
NEW YORK STATE **REGISTER**

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Executive Orders

State agencies must specify in each notice which proposes a rule the last date on which they will accept public comment. Agencies must always accept public comment: for a minimum of 45 days following publication in the *Register* of a Notice of Proposed Rule Making or a Notice of Emergency Adoption and Proposed Rule Making for which full text was included in the Notice or posted on a state web site, or which is a consensus rule or a rule defined in SAPA § 102(2)(a)(ii); or for a minimum of 60 days following publication in the *Register* of a Notice of Proposed Rule Making or a Notice of Emergency Adoption and Proposed Rule Making for which a summary of the text of the rule was included in the Notice and the full text of which was not published on a state web site; and for 30 days after publication of a Notice of Revised Rule Making in the *Register*. When a public hearing is required by statute, the hearing cannot be held until 45 days after publication of the notice, and comments must be accepted for at least 5 days after the last required hearing. When the public comment period ends on a Saturday, Sunday or legal holiday, agencies must accept comment through the close of business on the next succeeding workday.

For notices published in this issue:

- the 60-day period expires on June 12, 2016
- the 45-day period expires on May 28, 2016
- the 30-day period expires on May 13, 2016

**ANDREW M. CUOMO
GOVERNOR**

**ROSSANA ROSADO
ACTING SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

The public is encouraged to comment on any of the proposed rules appearing in this issue. Comments must be made in writing and must be submitted to the agency that is proposing the rule. Address your comments to the agency representative whose name and address are printed in the notice of rule making. No special form is required; a handwritten letter will do. Individuals who access the online *Register* (www.dos.ny.gov) may send public comment via electronic mail to those recipients who provide an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings.

To be considered, comments must reach the agency before the proposed rule is adopted. The law provides for a minimum 45-day public comment period after publication in the *Register* of every Notice of Proposed Rule Making for which full text was included or posted on a state web site, or which is a consensus rule or a rule defined in SAPA § 102(2)(a)(ii); a minimum 60-day public comment period after publication in the *Register* of a Notice of Proposed Rule Making for which a summary of the text of the rule was included in the Notice and the full text of which was not published on a state web site; and a 30-day public comment period for every Notice of Revised Rule Making. If a public hearing is required by statute, public comments are accepted for at least five days after the last such hearing. Agencies are also required to specify in each notice the last date on which they will accept public comment.

When a time frame calculation ends on a Saturday or Sunday, the agency accepts public comment through the following Monday; when calculation ends on a holiday, public comment will be accepted through the following workday. Agencies cannot take action to adopt until the day after public comments are due.

The Administrative Regulations Review Commission (ARRC) is charged with the task of reviewing newly proposed regulations to examine the issues of compliance with legislative intent, impact on the economy, and impact on affected parties. In addition to sending comments or recommendations to the agency, please do not hesitate to transmit your views to ARRC:

Administrative Regulations Review Commission
State Capitol
Albany, NY 12247
Telephone: (518) 455-5091 or 455-2731

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One Commerce Plaza
99 Washington Avenue
Suite 650
Albany, NY 12231-0001
Telephone: (518) 474-6957

KEY: (P) Proposal; (RP) Revised Proposal; (E) Emergency; (EP) Emergency and Proposal; (A) Adoption; (AA) Amended Adoption; (W) Withdrawal

Individuals may send public comment via electronic mail to those recipients who provided an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings. Choose pertinent issue of the *Register* and follow the procedures on the website (www.dos.ny.gov)

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Each rule making is identified by an I.D. No., which consists of 13 characters. For example, the I.D. No. AAM-01-96-00001-E indicates the following:

AAM -the abbreviation to identify the adopting agency
01 -the *State Register* issue number
96 -the year
00001 -the Department of State number, assigned upon receipt of notice.
E -Emergency Rule Making—permanent action not intended (This character could also be: A for Adoption; P for Proposed Rule Making; RP for Revised Rule Making; EP for a combined Emergency and Proposed Rule Making; EA for an Emergency Rule Making that is permanent and does not expire 90 days after filing.)

Italics contained in text denote new material. Brackets indicate material to be deleted.

Department of Civil Service

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-15-16-00004-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Appendix 1 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading “State Board of Elections,” by adding thereto the position of Chief Enforcement Counsel.

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov.

Data, views or arguments may be submitted to: Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-15-16-00005-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Appendix 2 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To delete positions from and classify positions in the non-competitive class.

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Education Department under the subheading “New York State Higher Education Services Corporation,” by deleting therefrom the position of øAffirmative Action Administrator 2 (1); in the Executive Department under the subheading “Office of Information Technology Services,” by deleting therefrom the positions of øDirector Information Technology Services 1 (1) and by decreasing the number of positions of øManager Information Technology Services 2 from 2 to 1; in the Department of Family Assistance under the subheading “Office of Temporary and Disability Assistance,” by deleting therefrom the positions of Immigrant Community Specialist 1 (1) and Immigrant Community Specialist 2 (5); in the Executive Department under the subheading “Office of General Services,” by adding thereto the position of øAffirmative Action Administrator 2 (1); in the Department of Financial Services, by adding thereto the positions of øDirector Information Technology Services 1 (1) and øManager Information Technology Services 2 (1); and, in the Department of State, by adding thereto the positions of Immigrant Community Specialist 1 (1) and Immigrant Community Specialist 2 (5).

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

Data, views or arguments may be submitted to: Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was

previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-15-16-00006-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Appendix 1 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading "Gaming Commission," by adding thereto the position of Investigative Auditor.

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

Data, views or arguments may be submitted to: Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-15-16-00007-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Appendixes 1 and 2 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To delete positions from and classify positions in the exempt and non-competitive classes.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading "Office of General Services," by deleting therefrom the position of Regional Director Public Buildings Management and by increasing the number of positions of Building Superintendent from 12 to 13; and

Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Family Assistance under the subheading "Office of Children and Family Services," by deleting therefrom the position of Agency Emergency Management Coordinator (OCFS) (1) and by adding thereto the position of Agency Emergency Management Coordinator (1); and, in the Department of Labor under the subheading "State Insurance Fund," by deleting therefrom the position of Director Training 2 (1) and by adding thereto the position of Associate Director Training 2 (1).

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

Data, views or arguments may be submitted to: Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-15-16-00008-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of Appendix 2 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify a position in the non-competitive class.

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the State University of New York under the subheading "State University Colleges," by increasing the number of positions of Secretary 2 at SUC at Oswego from 5 to 6.

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: jennifer.paul@cs.ny.gov

Data, views or arguments may be submitted to: Ilene Lees, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: ilene.lees@cs.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-02-16-00003-P, Issue of January 13, 2016.

Department of Corrections and Community Supervision

NOTICE OF ADOPTION

Standards of Inmate Behavior; Institutional Rules of Conduct; Rule Series 113 Contraband

I.D. No. CCS-52-15-00001-A

Filing No. 348

Filing Date: 2016-03-23

Effective Date: 2016-04-13

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of section 270.2(b)(14)(xiv) and (xv) of Title 7 NYCRR.

Statutory authority: Correction Law, sections 112 and 138

Subject: Standards of Inmate Behavior; Institutional Rules of Conduct; Rule Series 113 Contraband.

Purpose: Provide clarification regarding the definition of a controlled substance for the purposes of this rule.

Text or summary was published in the December 30, 2015 issue of the Register, I.D. No. CCS-52-15-00001-EP.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Kevin P. Bruen, Deputy Commissioner and Counsel, NYS Department of Corrections and Community Supervision, 1220 Washington Avenue - Harriman State Campus, Albany, NY 12226-2050, (518) 457-4951, email: Rules@Doccs.ny.gov

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2019, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Contraband Drugs

I.D. No. CCS-52-15-00002-A

Filing No. 349

Filing Date: 2016-03-23

Effective Date: 2016-04-13

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of sections 1010.2, 1010.4(b), (c), (d), (e), 1010.5(d), 1010.7 and 1010.8 of Title 7 NYCRR.

Statutory authority: Correction Law, section 112

Subject: Contraband Drugs.

Purpose: This proposal introduces a second testing system that may be utilized when testing for suspected contraband drugs.

Text or summary was published in the December 30, 2015 issue of the Register, I.D. No. CCS-52-15-00002-EP.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Kevin P. Bruen, Deputy Commissioner and Counsel, NYS Department of Corrections and Community Supervision, 1220 Washington Avenue - Harriman State Campus, Albany, NY 12226-2050, (518) 457-4951, email: Rules@Doccs.ny.gov

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2019, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Washington Correctional Facility

I.D. No. CCS-52-15-00003-A

Filing No. 347

Filing Date: 2016-03-23

Effective Date: 2016-04-13

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of section 100.116(b) of Title 7 NYCRR.

Statutory authority: Correctional Law, section 70

Subject: Washington Correctional Facility.

Purpose: Amend the age for general confinement to 18 years and older.

Text or summary was published in the December 30, 2015 issue of the Register, I.D. No. CCS-52-15-00003-P.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Kevin P. Bruen, Deputy Commissioner and Counsel, NYS Department of Corrections and Community Supervision, 1220 Washington Avenue - Harriman State Campus - Building 2, Albany, NY 12226-2050, (518) 457-4951, email: Rules@Doccs.ny.gov

Assessment of Public Comment

The agency received no public comment.

Department of Financial Services

EMERGENCY RULE MAKING

Standard Financial Aid Award Information Sheet for Institutions of Higher Education

I.D. No. DFS-03-16-00003-E

Filing No. 351

Filing Date: 2016-03-25

Effective Date: 2016-03-25

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Addition of Part 421 to Title 3 NYCRR.

Statutory authority: Banking Law, section 9-w

Finding of necessity for emergency rule: Preservation of general welfare.

Specific reasons underlying the finding of necessity: I determined that it is necessary for the preservation of the general welfare that this regulation be adopted on an emergency basis as authorized by section 202(6) of the

State Administrative Procedure Act, effective immediately upon filing with the Department of State.

This regulation was adopted as an emergency measure because time is of the essence. Banking Law Section 9-w requires schools to use a standard financial aid information letter in responding to all financial aid applicants for the 2016-2017 academic year and thereafter. Schools are currently sending award packages and the regulations provide important clarity for schools using the model financial aid information letter. While comments on a final rule are being considered, these rules are being re-adopted on an emergency basis in order to give schools needed guidance to comply with Banking Law Section 9-w.

Subject: Standard financial aid award information sheet for institutions of higher education.

Purpose: Provides guidance to institutions of higher education for the implementation of a financial aid award information sheet.

Text of emergency rule: PART 421

FINANCIAL AID AWARD INFORMATION SHEET

§ 421.1 Scope and application of this Part

Section 9-w of the Banking Law authorizes the superintendent to adopt rules and regulations for the implementation of a standard financial aid award letter.

§ 421.2 Definitions

For purposes of this Part, unless otherwise stated herein, terms shall have the same meaning as set forth in section 601 of New York State Education Law.

§ 421.3 Content and Delivery of Financial Aid Award Information Sheet On or After May 15, 2016

(a) In responding to an incoming or prospective student's financial aid application on or after May 15, 2016, a college, vocational institution or other institution that offers an approved program as defined in section 601 of the Education Law shall provide the letter required in section 9-w of the Banking Law, hereby referred to as the "Financial Aid Award Information Sheet", in the form available at www.dfs.ny.gov/studentprotection.

(b) For purposes of the Financial Aid Award Information Sheet, the term "Campus" shall mean an institution affiliated with a single U.S. Department of Education Office of Postsecondary Education Identification code.

§ 421.4 Content and Delivery of Financial Aid Award Information Sheet Prior to May 15, 2016

(a) In responding to an incoming or prospective student's financial aid application prior to May 15, 2016, a college, vocational institution or other institution that offers an approved program as defined in section 601 of the Education Law shall provide the Financial Aid Award Information Sheet in accordance with section 421.3 of this Part or satisfy the requirements in subsections 421.4(b) and 421.4(c) of this Part.

(b) Beginning on or before February 1, 2016, and ending on or after September 1, 2016, a college, vocational institution or other institution that offers an approved program as defined in section 601 of the Education Law shall publish online an "Interim Period Financial Aid Award Information Sheet" in the form available at www.dfs.ny.gov/studentprotection.

(c) In responding to an incoming or prospective student's financial aid application before May 15, 2016, a college, vocational institution or other institution that offers an approved program as defined in section 601 of the Education Law shall include in, or accompany with, the response a clear and conspicuous disclosure stating "Additional Information Including Estimated Cost of Attendance Can Be Found On the Web Page Below" and setting forth the URL address of the webpage that includes a completed Interim Period Financial Aid Award Information Sheet. For responses to an incoming or prospective student's financial aid application between January 1, 2016 and February 1, 2016, this disclosure shall be provided by February 1, 2016.

(d) For purposes of the Interim Period Financial Aid Award Information Sheet, the term "Campus" shall mean an institution affiliated with a single U.S. Department of Education Office of Postsecondary Education Identification code.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. DFS-03-16-00003-EP, Issue of January 20, 2016. The emergency rule will expire May 23, 2016.

Text of rule and any required statements and analyses may be obtained from: Max Dubin, Department of Financial Services, One State Street, New York, NY 10004, (212) 480-7232, email: max.dubin@dfs.ny.gov

Regulatory Impact Statement

1. Statutory Authority: The Superintendent of Financial Services' ("Superintendent") authority for the promulgation of this rule derives from New York Banking Law § 9-w, which calls on the Superintendent to promulgate regulations implementing that section.

2. Legislative Objectives: The Legislature called on the Superintendent to issue this rule to implement New York Banking Law § 9-w, which requires all New York schools to use a uniform financial aid award letter. The Legislature mandated a uniform financial aid letter to give students a better understanding of the costs of a particular school and the options to pay for the education. The uniform letter will also help students to easily compare costs and financial aid options between schools.

3. Needs and Benefits: DFS consulted the New York State Higher Education Services Corporation for thoughts and challenges associated with implementing the form required in Banking Law § 9-w. The rule is required by New York Banking Law § 9-w. The rule provides needed guidance to institutions of higher education, including when and to whom schools must provide the financial aid award letter.

4. Costs: This rule does not create any additional costs to regulated parties or state and local governments. Any costs incurred by higher education institutions in implementing a standard financial aid award information sheet, including building any information technology infrastructure to generate and send the award sheets, were imposed by the Legislature by statute. No new costs are created by this rule, which simply implements New York Banking Law § 9-w.

5. Local Government Mandates: The rule does not create any new local government mandates.

6. Paperwork: There are no new paperwork requirements created by the rule.

7. Duplication: Some institutions of higher education have volunteered to, and in some cases are required, to use a standard student shopping sheet developed by the U.S. Department of Education when responding to financial aid applications. DFS consulted with U.S. Department of Education and designed a model shopping sheet that would meet federal and state requirements. New York schools already committed to using the federal form can add a supplement to their existing form to meet both requirements and avoid duplicative financial aid award information sheets.

8. Alternatives: No significant alternatives to the rule were considered.

9. Federal Standards: The rule does not exceed any federal standards.

10. Compliance Schedule: The rule should not take any time to implement. It has been previously proposed as a permanent rule and adopted on an emergency basis.

Regulatory Flexibility Analysis

The rule will not impose any new adverse economic impact or reporting, record keeping or other compliance requirements on small businesses and local governments. The rule implements Banking Law § 9-w. Some of the covered educational institutions may be small businesses. Any costs or compliance requirements were created statutorily by the Legislature and this rule does not create any additional costs or requirements.

Rural Area Flexibility Analysis

The rule will not impose any new adverse economic impact on rural areas or reporting, record keeping or other compliance requirements on public or private entities in rural areas. The rule implements Banking Law § 9-w. Some of the covered educational institutions are located in rural areas. However, the rule does not impose any new costs or compliance requirements. Any costs or compliance requirements were created statutorily by the Legislature.

Job Impact Statement

The rule should have no adverse impact on jobs and employment opportunities in New York. The rule implements Banking Law § 9-w. It does not create any new burden or costs to businesses that are not already required by statute.

**EMERGENCY
RULE MAKING**

Public Retirement Systems

I.D. No. DFS-15-16-00003-E

Filing No. 350

Filing Date: 2016-03-25

Effective Date: 2016-03-25

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of Part 136 (Regulation 85) of Title 11 NYCRR.

Statutory authority: Financial Services Law, sections 202 and 302; and Insurance Law, sections 301, 314, 7401(a) and 7402(n)

Finding of necessity for emergency rule: Preservation of general welfare.

Specific reasons underlying the finding of necessity: The Second Amend-

ment to 11 NYCRR 136 (Insurance Regulation 85), effective November 19, 2008, established new standards of behavior with regard to investment of the assets of the New York State Common Retirement Fund ("Fund"), conflicts of interest, and procurement. In addition, it created new audit and actuarial committees, and greatly strengthened the investment advisory committee. The Second Amendment also set high ethical standards, strengthened internal controls and governance, enhanced the operational transparency of the Fund, and strengthened supervision by the Department.

Nevertheless, recent events surrounding how placement agents conduct business on behalf of their clients with regard to the Fund compel the Superintendent to conclude that the mere strengthening of the Fund's control environment is insufficient to protect the integrity of the state employees' retirement systems. Rather, only an immediate ban on the use of placement agents will ensure sufficient protection of the Fund's members and beneficiaries and safeguard the integrity of the Fund's investments.

This regulation was previously promulgated on an emergency basis on June 18, 2009, September 16, 2009, January 5, 2010, April 2, 2010, May 28, 2010, July 29, 2010, September 23, 2010, November 19, 2010, January 18, 2011, March 21, 2011, May 19, 2011, August 16, 2011, November 10, 2011, February 7, 2012, May 7, 2012, August 3, 2012, October 31, 2012, January 28, 2013, April 26, 2013, July 24, 2013, October 21, 2013, January 17, 2014, April 16, 2014, July 14, 2014, October 10, 2014, January 7, 2015, April 6, 2015, July 3, 2015, September 30, 2015, and December 28, 2015.

Subject: Public Retirement Systems.

Purpose: To ban the use of placement agents by investment advisors engaged by the state employees' retirement systems.

Text of emergency rule: Section 136-2.2 is amended to read as follows:

§ 136-2.2 Definitions.

The following words and phrases, as used in this Subpart, unless a different meaning is plainly required by the context, shall have the following meanings:

[(a) Retirement system shall mean the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System.]

[(b) Fund shall mean the New York State Common Retirement Fund, a fund in the custody of the Comptroller as trustee, established pursuant to Section 422 of the Retirement and Social Security Law, which holds the assets of the retirement system.]

[(c)(a) Comptroller shall mean the Comptroller of the State of New York in his capacity as administrative head of the Retirement System and the sole trustee of the [fund] Fund.]

[(d) OSC shall mean the Office of the State Comptroller.]

[(e)(b) Consultant or advisor shall mean any person (other than an OSC employee) or entity retained by the [fund] Fund to provide technical or professional services to the [fund] Fund relating to investments by the [fund] Fund, including outside investment counsel and litigation counsel, custodians, administrators, broker-dealers, and persons or entities that identify investment objectives and risks, assist in the selection of [money] investment managers, securities, or other investments, or monitor investment performance.]

[(c) Family member shall mean any person living in the same household as the Comptroller, and any person related to the Comptroller within the third degree of consanguinity or affinity.]

[(d) Fund shall mean the New York State Common Retirement Fund, a fund in the custody of the Comptroller as trustee, established pursuant to Section 422 of the Retirement and Social Security Law ("RSSL"), which holds the assets of the Retirement System.]

[(f)(e) Investment manager shall mean any person (other than an OSC employee) or entity engaged by the Fund in the management of part or all of an investment portfolio of the [fund] Fund. "Management" shall include, but is not limited to, analysis of portfolio holdings, and the purchase, sale, and lending thereof. For the purposes hereof, any investment made by the Fund pursuant to RSSL § 177(7) shall be deemed to be the investment of the Fund in such investment entity (rather than in the assets of such investment entity).]

[(f) Investment policy statement shall mean a written document that, consistent with law, sets forth a framework for the investment program of the Fund.]

[(g) OSC shall mean the Office of the State Comptroller.]

[(g)(h) Placement agent or intermediary shall mean any person or entity, including registered lobbyists, directly or indirectly engaged and compensated by an investment manager (other than [an] a regular employee of the investment manager) to promote investments to or solicit investment by [assist the investment manager in obtaining investments by the fund, or otherwise doing business with] the [fund] Fund, whether compensated on a flat fee, a contingent fee, or any other basis. Regular employees of an investment manager are excluded from this definition unless they are employed principally for the purpose of securing or influenc-

ing the decision to secure a particular transaction or investment by the Fund.[obtaining investments or providing other intermediary services with respect to the fund.] For purpose of this paragraph, the term "employee" shall include any person who would qualify as an employee under the federal Internal Revenue Code of 1986, as amended, but shall not include a person hired, retained or engaged by an investment manager to secure or influence the decision to secure a particular transaction or investment by the Fund.]

[(h) Investment policy statement shall mean a written document that, consistent with law, sets forth a framework for the investment program of the fund.]

[(i) Third party administrator shall mean any person or entity that contractually provides administrative services to the retirement system, including receiving and recording employer and employee contributions, maintaining eligibility rosters, verifying eligibility for benefits or paying benefits and maintaining any other retirement system records. Administrative services do not include services provided to the fund relating to fund investments.]

[(i) Retirement System shall mean the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System.]

[(j) Third party administrator shall mean any person or entity that contractually provides administrative services to the Retirement System, including receiving and recording employer and employee contributions, maintaining eligibility rosters, verifying eligibility for benefits, paying benefits or maintaining any other Retirement System records. "Administrative services" do not include services provided to the Fund relating to Fund investments.]

[(j)(k) Unaffiliated Person shall mean any person other than: (1) the Comptroller or a family member of the Comptroller, (2) an officer or employee of OSC, (3) an individual or entity doing business with OSC or the [fund] Fund, or (4) an individual or entity that has a substantial financial interest in an entity doing business with OSC or the [fund] Fund. For the purpose of this paragraph, the term "substantial financial interest" shall mean the control of the entity, whereby "control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of the entity, whether through the ownership of voting securities, by contract (except a commercial contract for goods or non-management services) or otherwise; but no individual shall be deemed to control an entity solely by reason of his being an officer or director of such entity. Control shall be presumed to exist if any individual directly or indirectly owns, controls or holds with the power to vote ten percent or more of the voting securities of such entity.]

[(k) Family member shall mean any person living in the same household as the Comptroller, and any person related to the Comptroller within the third degree of consanguinity or affinity.]

Section 136-2.4(d) is amended to read as follows:

(d) Placement agents or intermediaries: In order to preserve the independence and integrity of the [fund] Fund, to [address] preclude potential conflicts of interest, and to assist the Comptroller in fulfilling his or her duties as a fiduciary to the [fund] Fund, [the Comptroller shall maintain a reporting and review system that must be followed whenever the fund] the Fund shall not [engages, hires, invests with, or commits] engage, hire, invest with or commit to[,] an outside investment manager who is using the services of a placement agent or intermediary to assist the investment manager in obtaining investments by the [fund] Fund. [, or otherwise doing business with the fund. The Comptroller shall require investment managers to disclose to the Comptroller and to his or her designee payments made to any such placement agent or intermediary. The reporting and review system shall be set forth in written guidelines and such guidelines shall be published on the OSC public website.]

Section 136-2.5(g) is amended to read as follows:

(g) The Comptroller shall:

(1) file with the superintendent an annual statement in the format prescribed by Section 307 of the Insurance Law, including the [retirement system's] Retirement System's financial statement, together with an opinion of an independent certified public accountant on the financial statement;

(2) file with the superintendent the Comprehensive Annual Financial Report within the time prescribed by law, but no later than the time it is published on the OSC public website;

(3) disclose on the OSC public website, on at least an annual basis, all fees paid by the [fund] Fund to investment managers, consultants or advisors, and third party administrators;

[(4) disclose on the OSC public website, on at least an annual basis, instances where an investment manager has paid a fee to a placement agent or intermediary;]

[(5)(4) disclose on the OSC public website the [fund's] Fund's investment policies and procedures; and]

[(6)(5) require fiduciary and conflict of interest reviews of the [fund] Fund every three years by a qualified unaffiliated person.]

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires June 22, 2016.

Text of rule and any required statements and analyses may be obtained from: Mark McLeod, New York State Department of Financial Services, One State Street, New York, NY 10004, (212) 480-4937, email: mark.mcleod@dfs.ny.gov

Regulatory Impact Statement

1. Statutory authority: The Superintendent's authority for the adoption of the rule to 11 NYCRR 136 is derived from sections 202 and 302 of the Financial Services Law ("FSL") and sections 301, 314, 7401(a), and 7402(n) of the Insurance Law.

FSL section 202 establishes the office of the Superintendent and designates the Superintendent to be the head of the Department of Financial Services ("DFS").

FSL section 302 and Insurance Law section 301, in material part, authorize the Superintendent to effectuate any power accorded to him by the Insurance Law, the Banking Law, the Financial Services Law, or any other law of this state and to prescribe regulations interpreting the Insurance Law.

Insurance Law section 314 vests the Superintendent with the authority to promulgate standards with respect to administrative efficiency, discharge of fiduciary responsibilities, investment policies and financial soundness of the public retirement and pension systems of the State of New York, and to make an examination into the affairs of every system at least once every five years in accordance with Insurance Law sections 310, 311 and 312. The implementation of the standards is necessarily through the promulgation of regulations.

As confirmed by the Court of Appeals in *Matter of Dinallo v. DiNapoli*, 9 N.Y. 3d 94 (2007), the Superintendent functions in two distinct capacities. The first is as regulator of the insurance industry. The second is as statutory receiver of financially distressed insurance entities. Article 74 of the Insurance Law sets forth the Superintendent's role and responsibilities in this latter capacity.

Insurance Law section 7401(a) sets forth the entities, including the public retirement systems, to which Article 74 applies.

Insurance Law section 7402(n) provides that it is a ground for rehabilitation if an entity subject to Article 74 has failed or refused to take such steps as may be necessary to remove from office any officer or director whom the Superintendent has found, after appropriate notice and hearing, to be a dishonest or untrustworthy person.

2. Legislative objectives: Insurance Law section 314 authorizes the Superintendent to promulgate and amend, after consultation with the respective administrative heads of public retirement and pension systems and after a public hearing, standards with respect to the public retirement and pension systems of the State of New York.

This rule, which in effect bans the use of an investment tool that has been found to be untrustworthy, is consistent with the public policy objectives that the Legislature sought to advance in enacting Insurance Law section 314, which provides the Superintendent with the powers to promulgate standards to protect the New York State Common Retirement Fund (the "Fund").

3. Needs and benefits: The Second Amendment to 11 NYCRR 136 (Regulation 85), effective November 19, 2008, established new standards with regard to investment of the assets of the Fund, conflicts of interest and procurement. In addition, the Second Amendment created new audit and actuarial committees, and greatly strengthened the investment advisory committee. The Second Amendment also set high ethical standards, strengthened internal controls and governance, enhanced the operational transparency of the Fund, and strengthened supervision by the Department.

Nevertheless, recent allegations regarding "pay to play" practices, whereby politically connected individuals reportedly sold access to investment opportunities with the Fund, compel the Superintendent to conclude that the mere strengthening of the Fund's control environment is insufficient to protect the integrity of the state employees' retirement systems. The Third Amendment to Regulation 85 will adopt an immediate ban on the use of placement agents to ensure sufficient protection of the Fund's members and beneficiaries, and safeguard the integrity of the Fund's investments. Further, the rule defines "placement agent or intermediary" in a manner that both thwarts evasion of the ban while ensuring that such ban not extend to persons otherwise acting lawfully on behalf of investment managers.

4. Costs: The rule does not impose any additional requirements on the Comptroller, and no additional costs are expected to result from the implementation of the ban imposed by this rule. There are no costs to the Department or other state government agencies or local governments. Investment managers, consultants and advisors who provide services to the Fund, which are required to discontinue the use of placement agents in connection with investment services they provide to the Fund, may lose opportunities to do business with the Fund.

5. Local government mandates: The rule imposes no new programs, services, duties or responsibilities on any county, city, town, village, school district, fire district or other special district.

6. Paperwork: No additional paperwork should result from the prohibition imposed by the rule.

7. Duplication: This rule will not duplicate any existing state or federal rule.

8. Alternatives: The Superintendent considered other ways to limit the influence of placement agents, including a partial ban, increased disclosure requirements, and adopting alternative definitions of placement agent or intermediary. The Department considered limiting the ban to include intent on the part of the party using placement agents, or defining "placement agent" in more general terms.

In developing the rule, the Superintendent and State Comptroller not only consulted with one another, but also briefed representatives of: (1) New York State and New York City Public Employee Unions; (2) New York City Retirement and Pension Funds; (3) the Borough Presidents of the five counties of New York City; and (4) officials of the New York City Mayor's Office, Comptroller's Office and Finance Department. These entities agreed with the concerns expressed by the Department and intend to explore remedies most appropriate to the pension funds that they represent.

Initially, the Superintendent concluded that only an immediate total ban on the use of placement agents could provide sufficient protection of the Fund's members and beneficiaries and safeguard the integrity of the Fund's investments. The proposed rule was published in the State Register on March 17, 2010. A Public Hearing was held on April 28, 2010. The following comments were received:

Blackstone Group, a global investment manager and financial advisor, wrote to oppose the proposed ban on the use of placement agents by investment advisors engaged by the New York State Common Retirement Fund ("The Fund"). It stated that the rule would lessen the number of investment opportunities brought before the Fund, adversely affect small, medium-sized and women-and minority-owned investment firms seeking to do business with the Fund, and adversely affect a number of New York-headquartered financial institutions doing business as placement agents.

Blackstone suggested the inclusion of the following provisions in the rule instead:

- A ban on political contributions by any employee of any placement agent seeking to do business with the Fund;
- A requirement that any placement agent seeking to do business with the Fund be registered as a broker dealer with the SEC and ensure that its professionals have passed the appropriate Series qualifications administered by Financial Industry Regulatory Authority ("FINRA");
- A requirement that any placement agent seeking to do business in New York register with the Department; and
- A requirement that any placement agent representing an investment manager before the Fund fully disclose the contractual arrangement between it and the manager, including the fee arrangement and the scope of services to be provided.

The Securities Industry and Financial Markets Association ("SIFMA"), representing hundreds of securities firms, banks, and asset managers, commented that the proposed rule (1) inadvertently limits the access of smaller fund managers to the Fund; (2) restricts the number and types of advisers that could be utilized by the Fund; (3) creates an inherent conflict between federal and state law that would make it impossible to do business with the Fund while complying with both; and (4) adds duplicative regulation in an area already substantially regulated at the state level and that is primed for further federal regulation through the imminent imposition of a federal pay-to-play regime on all registered broker-dealers acting as placement agents. In addition, SIFMA provided language that it believes would be consistent with the existing federal requirements on the use of placement agents. SIFMA requested that the Department either exclude from the proposed rule those placement agents who are registered as broker-dealers under the Securities Exchange Act of 1934 or delay the enactment of the proposed rule until the federal and state placement agent initiatives are finalized.

The Superintendent did consider other ways to limit the influence of placement agents, including a partial ban, increased disclosure requirements, and adopting alternative definitions of placement agent or intermediary. The Department considered limiting the ban to include intent on the part of the party using placement agents, or defining "placement agent" in more general terms. At the time, the Superintendent concluded that only an immediate, total ban on the use of placement agents could provide sufficient protection of the Fund's members and beneficiaries and safeguard the integrity of the Fund's investments.

9. Federal standards: The Securities and Exchange Commission issued a "Pay-To-Play" regulation for financial advisors on July 1, 2010, which may have an impact on the issues addressed in the proposed rule.

10. Compliance schedule: The emergency adoption of this regulation

on June 18, 2009 ensured that the ban would become enforceable immediately. The ban needs to remain in effect on an emergency basis until such time as an amended regulation can be made permanent.

Regulatory Flexibility Analysis

1. Effect of the rule: This rule strengthens standards for the management of the New York State and Local Employees' Retirement System and New York State and Local Police and Fire Retirement System (collectively, "the Retirement System"), and the New York State Common Retirement Fund ("the Fund").

The Second Amendment to 11 NYCRR 136 (Insurance Regulation 85), effective November 19, 2008, established new standards with regard to investment of the assets of the Fund, conflicts of interest and procurement. In addition, the Second Amendment created new audit and actuarial committees, and greatly strengthened the investment advisory committee. The Second Amendment also set high ethical standards, strengthened internal controls and governance, enhanced the operational transparency of the Fund, and strengthened supervision by the Department.

Nevertheless, recent allegations regarding "pay to play" practices, whereby politically connected individuals reportedly sold access to investment opportunities with the Fund, compel the Superintendent to conclude that the mere strengthening of the Fund's control environment is insufficient to protect the integrity of the state employees' retirement systems. The Third Amendment to Insurance Regulation 85 will adopt an immediate ban on the use of placement agents to ensure sufficient protection of the Fund's members and beneficiaries, and safeguard the integrity of the Fund's investments. Further, the rule defines "placement agent or intermediary" in a manner that both thwarts evasion of the ban while ensuring that such ban not extend to persons otherwise acting lawfully on behalf of investment managers.

These standards are intended to assure that the conduct of the business of the Retirement System and the Fund, and of the State Comptroller (as administrative head of the Retirement System and as sole trustee of the Fund), are consistent with the principles specified in the rule. Most among all affected parties, the State Comptroller, as a fiduciary whose responsibilities are clarified and broadened, is impacted by the rule. The State Comptroller is not a "small business" as defined in section 102(8) of the State Administrative Procedure Act.

This rule will affect investment managers and other intermediaries (other than OSC employees) who provide technical or professional services to the Fund related to Fund investments. The rule will prohibit investment managers from using the services of a placement agent unless such agent is a regular employee of the investment manager and is acting in a broader capacity than just providing specific investment advice to the Fund. In addition, the rule is also directed to placement agents, who as a result of this rule, will no longer be engaged directly or indirectly by investment managers that do business with the Fund. Some investment managers and placement agents may come within the definition of "small business" set forth in section 102(8) of the State Administrative Procedure Act, because they are independently owned and operated, and employ 100 or fewer individuals.

The rule bans the use of placement agents in connection with investments by the Fund. This may adversely affect the business of placement agents, who will lose opportunities to earn profits in connection with investments by the Fund. Nevertheless, as a result of recent allegations regarding "pay to play" practices, whereby politically connected individuals reportedly sold access to investment opportunities with the Fund, the Superintendent has concluded that an immediate ban on the use of placement agents is necessary to protect the Fund's members and beneficiaries and to safeguard the integrity of the Fund's investments.

This rule will not impose any adverse compliance requirements or result in any adverse impacts on local governments. The basis for this finding is that this rule is directed at the State Comptroller; employees of the Office of State Comptroller; and investment managers, placement agents, consultant or advisors - none of which are local governments.

2. Compliance requirements: None.

3. Professional services: Investment managers, consultants and advisors who provide services to the Fund, and are required to discontinue the use of placement agents in connection with investment services they provide to the Fund, may need to employ other professional services.

4. Compliance costs: The rule does not impose any additional requirements on the Comptroller, and no additional costs are expected to result from the implementation of the ban imposed by this rule. There are no costs to the Department of Financial Services or other state government agencies or local governments. However, investment managers, consultants and advisors who provide services to the Fund, which are required to discontinue the use of placement agents in connection with investment services they provide to the Fund, may lose opportunities to do business with the Fund.

5. Economic and technological feasibility: The rule does not impose any economic and technological requirements on affected parties, except

for placement agents who will lose the opportunity to earn profits in connection with investments by the Fund.

6. Minimizing adverse impact: The costs to placement agents are lost opportunities to earn profits in connection with investments by the Fund. The Superintendent considered other ways to limit the influence of placement agents, including a partial ban, increased disclosure requirements, and adopting alternative definitions of placement agent or intermediary. But in the end, the Superintendent concluded that only an immediate total ban on the use of placement agents could provide sufficient protection of the Fund's members and beneficiaries and safeguard the integrity of the Fund's investments.

7. Small business and local government participation: In developing the rule, the Superintendent and State Comptroller not only consulted with one another, but also briefed representatives of: (1) New York State and New York City Public Employee Unions; (2) New York City Retirement and Pension Funds; (3) the Borough Presidents of the five counties of New York City; and (4) officials of the New York City Mayor's Office, Comptroller's Office and Finance Department.

A public hearing was held on April 28, 2010. Comments were received from two entities recommending that the total ban on the use of placement agents be modified. The Department will continue to assess the comments that have been received and any others that may be submitted.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas: Investment managers, placement agents, consultants or advisors that do business in rural areas as defined under State Administrative Procedure Act Section 102(10) will be affected by this rule. The rule bans the use of placement agents in connection with investments by the New York State Common Retirement Fund ("the Fund"), which may adversely affect the business of placement agents and of other entities that utilize placement agents and are involved in Fund investments.

2. Reporting, recordkeeping and other compliance requirements, and professional services: This rule will not impose any reporting, recordkeeping or other compliance requirements on public or private entities in rural areas, with the exception of requiring investment managers, consultants and advisors who provide services to the Fund to discontinue the use of placement agents.

3. Costs: The costs to placement agents are lost opportunities to earn profits in connection with investments by the Fund.

4. Minimizing adverse impact: The rule does not adversely impact rural areas.

5. Rural area participation: A public hearing was held on April 28, 2010. Comments were received from two entities recommending that the total ban on the use of placement agents be modified. The Department will continue to assess the comments that have been received and any others that may be submitted.

Job Impact Statement

The Department of Financial Services finds that this rule will have little or no impact on jobs and employment opportunities. The rule bans investment managers from using placement agents in connection with investments by the New York State Common Retirement Fund ("the Fund"). The rule may adversely affect the business of placement agents, who could lose the opportunity to earn profits in connection with investments by the Fund. Nevertheless, in view of recent events about how placement agents conduct business on behalf of their clients with regard to the Fund, the Superintendent has concluded that an immediate ban on the use of placement agents is necessary to protect the Fund's members and beneficiaries, and to safeguard the integrity of the Fund's investments.

Department of Health

NOTICE OF ADOPTION

Rate Rationalization—Prevocational Services, Respite, Supported Employment and Residential Habilitation

I.D. No. HLT-16-15-00014-A

Filing No. 352

Filing Date: 2016-03-25

Effective Date: 2016-04-13

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Addition of Subpart 86-13 to Title 10 NYCRR.

Statutory authority: Public Health Law, section 201

Subject: Rate Rationalization—Prevocational Services, Respite, Supported Employment and Residential Habilitation

Purpose: To establish new rate methodology effective July 1, 2015.

Substance of final rule: This regulation establishes a new reimbursement methodology for Prevocational (Site-based and Community-based), Respite (Hourly and Free-standing), Supported Employment Services, and Residential Habilitation (Family Care) programs, which will be effective July 1, 2015.

For Prevocational (Site-based) and Respite (Hourly and Free-standing) programs, the methodology will include the following elements:

- 1) The use of a base period Consolidated Fiscal Report (CFR) for the period of January 1, 2013 – December 31, 2013 for calendar year filers or the period of July 1, 2012 – June 30, 2013 for fiscal year filers.
- 2) The assignment of geographic location, based on CFR information and consistent with Department of Health (DOH) regions.
- 3) Operating, facility and capital components.
 - The operating component recognizes a blend of actual provider costs and average regional costs.
 - The facility component recognizes actual provider costs.
 - The methodology for the capital component has not been significantly changed from that of the previous reimbursement methodology, except that the initial reimbursement will remain in the rate for only two years from the date of site certification unless actual costs are verified with the Department of Health.
- 4) Wage equalization factors.
- 5) A budget neutrality factor.
- 6) A two year phase-in period for transition to the methodology.

For Prevocational (Community-based) Services, Supported Employment Services and Residential Habilitation (Family Care) programs, the methodology will include the following elements:

- 1) The use of a base period Consolidated Fiscal Report (CFR) for the period of January 1, 2013 – December 31, 2013 for calendar year filers or the period of July 1, 2012 – June 30, 2013 for fiscal year filers to calculate a fee reimbursement schedule.
- 2) The assignment of geographic location, based on CFR information.
 - For Residential Habilitation (Family Care), the geographic location will be consistent with DOH regions.
 - For Prevocational (Community-based) Services and Supported Employment Services, the geographic location will be consistent with Office for People With Developmental Disabilities (OPWDD) regions.

Final rule as compared with last published rule: Nonsubstantive changes were made in section 86-13.3.

Text of rule and any required statements and analyses may be obtained from: Katherine Ceroalo, DOH, Bureau of House Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsqa@health.ny.gov

Revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Changes made to the last published rule do not necessitate revision to the previously published RIS, RFA, RAFA and JIS.

Assessment of Public Comment

The Department of Health (DOH) received one set of comments during the public comment period from the Cerebral Palsy Associations of New York State.

Comment:

DOH recognized the fact that the 7/1/15 pre-vocational service fees for specialized template populations, as calculated and presented in the proposed regulation, need to be revised to incorporate compensation funding increases for direct support professionals that were effective 1/1/15 and 4/1/15 for clinical employees.

To be consistent, DOH must also recognize the need for similar revisions to the proposed 7/1/15 community pre-vocational and Supported Employment (SEMP) fees since these proposed fees also did not include either of these compensation funding increases when they were developed.

Response:

DOH will not change the regulation at this time. However, the comment will be taken under advisement for consideration when subsequent amendments are made to the regulation.

Comment:

We are asking that DOH recognize and make an appropriate adjustment in the calculation of the SEMF and pre-vocational service fees as well as in Agency respite rates to recognize the cost associated with a NYC law (called the Earned Sick Time Act) that went into effect on 4/1/14. Many of the new key provisions of the Act will have direct fiscal impact on our OPWDD funded providers that operate in New York City – resulting in increased expenses not previously incurred. Some of the key provisions of the Act are attached to the letter.

Obviously, of major concern is that now NYC providers will be required to provide sick leave to basically ALL part-time employees, substitute direct support professionals, as well as per diem professionals, and clinical staff. This is a NEW cost that is now mandated by this NYC law, so an adjustment will need to be made by DOH at least until such time as the 7/1/14-6/30/15 cost period or after is used to establish fees/rates. This also impacts other OPWDD service rates (IRA residential and day habilitation and ICF services) that are being revised effective 7/1/15.

Response:

DOH will not change the regulation as this time. However, the comment will be taken under advisement for consideration when subsequent amendments are made to the regulation.

Comment:

The DOH regulations need to be clear that the SEMF fees do not include the cost related to the generic round trip transportation of an individual with developmental disabilities between their home and their job.

Response:

DOH will not change the regulation as this time. However, the comment will be taken under advisement for consideration when subsequent amendments are made to the regulation.

Comment:

Community pre-vocation is a new OPWDD service with no prior programmatic or cost experience. The regional fees developed by DOH were developed based upon the existing community habilitation program and fees with an adjustment for noncertified site cost. The new fee schedule for Community Pre-vocational services is very much lower than those for Supported Employment in both the intensive and extended phases. People involved in pre-vocational services have been enrolled in that program because they need more supports in order to be ready to work. The supports that they will need will be more intensive and more structured due to their higher needs levels. Therefore, it is not likely that the proposed fees will be sufficient. Once sufficient program and cost experience is obtained, DOH will need to modify the fee schedule accordingly.

Response:

DOH will not change the regulation at this time. However, the comment will be taken under advisement for consideration when subsequent amendments are made to the regulation.

NOTICE OF ADOPTION

Medicaid Provider Enrollment

I.D. No. HLT-30-15-00006-A

Filing No. 353

Filing Date: 2016-03-25

Effective Date: 2016-04-13

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of section 504.5 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 363-a and 364

Subject: Medicaid Provider Enrollment.

Purpose: To make technical, conforming changes to regulations governing the enrollment of Medicaid providers of care, services and supplies.

Text or summary was published in the July 29, 2015 issue of the Register, I.D. No. HLT-30-15-00006-C.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Katherine Ceroalo, DOH, Bureau of House Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsqa@health.ny.gov

Assessment of Public Comment

The agency received no public comment.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Zika Action Plan; Performance Standards

I.D. No. HLT-15-16-00016-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Addition of section 40-2.24 to Title 10 NYCRR.

Statutory authority: Public Health Law, sections 602, 603 and 619

Subject: Zika Action Plan; Performance Standards.

Purpose: To require local health departments to develop a Zika Action Plan as a condition of State Aid.

Text of proposed rule: Pursuant to the authority vested in the Commissioner of Health by sections 602, 603 and 619 of the Public Health Law, Subpart 40-2 of Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended by adding a new section 40-2.24, to be effective upon publication of a Notice of Adoption in the State Register, as follows:

§ 40-2.24 Zika Action Plan; performance standards.

(a) By April 15, 2016, the local health department shall adopt and implement a Zika Action Plan (ZAP), in accordance with guidance to be issued by the Department, and which shall include, but not be limited to, the following activities:

(1) for all local health departments:

- (i) human disease monitoring, response and control; and
- (ii) education about Zika virus and its prevention; and

(2) in addition, for those local health departments identified by the Department as jurisdictions where mosquitoes capable of transmitting the Zika virus are currently located or may be located in the future:

- (i) enhanced human disease monitoring, response, control;
- (ii) enhanced education about Zika virus and its prevention;
- (iii) mosquito trapping, testing and habitat inspections specific to *Aedes albopictus*, and for such other species as the Department may deem appropriate;

(iv) mosquito control; and

(v) identification and commitment of appropriate staff available to join State-coordinated rapid response teams, which may be deployed to those areas where the Department determines that there is the potential for transmission of Zika virus by mosquitoes.

(b) For so long as determined necessary and appropriate by the Department, local health departments shall update their ZAPs annually, or as directed by the Department, and submit such plans to the Department as part of the Application for State Aid made pursuant to section 40-1.0 of this Part.

Text of proposed rule and any required statements and analyses may be obtained from: Katherine Ceroalo, DOH, Bureau of House Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsqa@health.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Regulatory Impact Statement

Statutory Authority:

Article 6 of the Public Health Law (PHL) sets forth the statutory framework for the Department's State Aid program, which partially reimburses local health departments (LHDs) for eligible expenses related to specified public health services. PHL §§ 602(4), 603(1), and 619 authorize the commissioner to promulgate rules and regulations to effectuate the provisions of PHL Article 6. PHL § 619 specifies that such regulations shall include establishing standards of performance for core public health services and for monitoring performance, collecting data, and evaluating the provision of such services.

Legislative Objectives:

PHL Article 6 establishes a program that provides State Aid to LHDs to partially reimburse the cost of core public health services, including communicable disease control and emergency preparedness and response.

Needs and Benefits:

Zika virus is newly emerging as a worldwide threat to public health, and it is spreading widely in the Western Hemisphere. Zika virus has been associated with microcephaly and potentially other birth defects. In particular, there have been reports in Brazil and other countries of microcephaly in infants of mothers who were infected with Zika virus while pregnant. Developing research appears to support this association. Zika virus may also cause Guillain-Barré Syndrome, which can cause muscle weakness and sometimes paralysis. For these reasons, in February 2016, the World Health Organization declared the recent cluster of microcephaly and other neurological abnormalities associated with in utero exposure to the Zika virus a public health emergency of international concern.

Because 80% of cases are asymptomatic, limited control measures exist. Further, although Zika virus is transmitted primarily through the bite of a mosquito, sexual transmission has also been documented.

To date, the Department's Wadsworth Center has conducted tests on samples from more than 2,300 patients, and 55 have been found to be positive for Zika virus. New York has the second highest total of any state in the continental United States after Florida. With the exception of one pos-

sible case of sexual transmission, all of these infections have occurred in returning travelers from countries with active mosquito-borne transmission of Zika virus.

In the Western Hemisphere, the Zika virus has been primarily transmitted by a mosquito bite from the species *Aedes aegypti*. That species is not currently established in New York State; however, a related species of mosquito, *Aedes albopictus*, is established in New York City, as well as Orange, Nassau, Putnam, Rockland, Suffolk, and Westchester Counties. Additionally, Dutchess, Sullivan, and Ulster Counties are located on the northern border of these affected areas.

Because *Aedes albopictus* is a tropical mosquito, it has difficulty surviving cold winters, limiting its northward spread, but it has adapted to survive in a broader temperature range. Although researchers are currently uncertain if *Aedes albopictus* can effectively transmit the Zika virus, New York State must prepare for this contingency.

A primary public health objective is to reduce the risk to developing fetuses of pregnant women in New York State. As such, during the spring, summer and fall, it is important that the Department and LHDs take action to protect the health and safety of all New Yorkers from the Zika virus.

LHDs are integral State partners and play important roles in human disease monitoring, response and control; health education and prevention; and mosquito trapping, testing, habitat inspection, and control. As a result, it is essential that LHDs are prepared to respond to the threat of Zika virus in their communities. Many LHDs may need to respond to travel-associated cases only, because they do not have mosquitoes capable of transmitting Zika virus within their borders. However, those counties that do have mosquitoes capable of transmitting Zika virus generally have large human populations and a high number of travelers to affected areas.

Accordingly, these regulations require that, as a condition of State Aid for public health work, each LHD must adopt and implement a Zika Action Plan (ZAP) that includes specified elements, but that can also be tailored to the situation within its borders. Those counties that do not have *Aedes albopictus*, or other mosquitoes capable of transmitting the Zika virus, must perform human disease monitoring of travel-associated cases and provide education about Zika virus. For those counties that have, or that are at risk for acquiring, *Aedes albopictus*, or other mosquitoes capable of transmitting the Zika virus, additional required activities include: enhanced human disease monitoring and disease control; enhanced education about Zika virus and its prevention; mosquito trapping, testing and habitat inspection specific to *Aedes albopictus*, or other mosquitoes capable of transmitting the Zika virus; mosquito control; and identification and commitment of appropriate staff available to join State-coordinated rapid response teams, which may be deployed to those areas where the Department determines that there is a potential transmission of Zika virus by mosquitoes.

Costs:

Although exact costs cannot be predicted at this time, the Department does not expect compliance to result in significant costs with respect to plan development, which can be achieved using existing staff. Preparation time will vary according to the demographics of the jurisdiction served by the LHD. However, the cost of these personnel hours is expected to be greatly outweighed by the benefit to public health. LHDs may incur costs including salaries and related expenditures associated with ongoing human disease monitoring, response and control, as well as public education activities and programs.

Those LHDs identified by the Department as jurisdictions where mosquitoes capable of transmitting the Zika virus are currently located or may be located in the future may incur additional costs, including salaries and related expenditures associated with mosquito trapping, testing, and habitat inspections as well as expenditures related to mosquito control, to the extent such counties are not already performing these activities.

Local Government Mandates:

Although compliance is not strictly mandatory, the adoption, implementation, and updating of a ZAP is a condition of State Aid for general public health work. As set forth in the regulation, the activities that must be performed to be eligible for State Aid vary by county, and are described in detail below.

By April 15, 2016 all LHDs must electronically transmit a ZAP to the Department that describes how they will conduct timely education, as well as human disease monitoring and reporting of Zika virus.

For those LHDs identified by the Department as jurisdictions where mosquitoes capable of transmitting the Zika virus are currently located or may be located in the future, their ZAP must include processes and procedures for:

(1) enhanced human disease monitoring, response and control;

(2) enhanced education to the public and health care providers regarding the possibility of local Zika virus transmission and the risk to pregnant women;

(3) mosquito trapping, testing, and habitat inspections;

(4) mosquito control plans tailored to local needs; and

(5) names, roles and contact information of LHD and/or county staff that will join the state-coordinated rapid response teams.

Paperwork:

This regulation requires preparation of a ZAP to respond to an emergency threat to public health.

Duplication:

No relevant rules or legal requirements of the Federal and State governments duplicate, overlap or conflict with this rule.

Alternatives:

The alternative would be to continue a situation in which there is inconsistent approaches across the State with respect to monitoring and control of the spread of the Zika virus.

Federal Standards:

The rule does not exceed any minimum standards of the Federal government for the same or similar subject area.

Compliance Schedule:

These permanent regulations will be effective upon publication of a Notice of Adoption in the State Register. LHDs must adopt and implement their ZAPs by April 15, 2016, consistent with the emergency regulations issued on March 17, 2016.

Regulatory Flexibility Analysis

Effect on Small Business and Local Governments:

Local health departments (LHDs) will be required to develop Zika Action Plans (ZAPs).

Compliance Requirements:

These regulations apply exclusively to local governments. Accordingly, please refer to the Regulatory Impact Statement.

Professional Services:

In response to the mosquito control plan requirement, those LHDs identified by the Department as jurisdictions where mosquitoes capable of transmitting the Zika virus are currently located, or may be located in the future, may need to obtain the services of a commercial pesticide applicator.

Capital Costs and Annual Costs of Compliance:

The Department does not expect compliance to result in significant costs. Compliance can be achieved using existing staff. Preparation time will vary according to the demographics of the jurisdiction served by the LHD. However, the cost of these personnel hours is expected to be greatly outweighed by the benefit to public health.

Economic and Technological Feasibility:

The proposed regulatory changes will not impose any new technology requirements or costs, or otherwise pose feasibility concerns.

Minimizing Adverse Impact:

No adverse impacts have been identified.

Small Business and Local Government Input:

The Department has been in contact with LHDs regarding the emergency regulations, upon which these permanent regulations are based.

Cure Period:

Chapter 524 of the Laws of 2011 requires agencies to include a "cure period" or other opportunity for ameliorative action to prevent the imposition of penalties on the party or parties subject to enforcement under the proposed regulation. Zika virus represents a significant threat to public health. Further, the emergency regulations, effective March 17, 2016, provided time for LHDs to adopt and implement their ZAPs. Hence, no cure period is necessary.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis for these amendments is not being submitted because amendments will not impose any adverse impact or significant reporting, record keeping or other compliance requirements on public or private entities in rural areas. There are no professional services, capital, or other compliance costs imposed on public or private entities in rural areas as a result of the proposed amendments.

Job Impact Statement

A Job Impact Statement for these amendments is not being submitted because it is apparent from the nature and purposes of the amendments that they will not have a substantial adverse impact on jobs and/or employment opportunities.

**REGULATORY IMPACT
STATEMENT,
REGULATORY FLEXIBILITY
ANALYSIS, RURAL AREA
FLEXIBILITY ANALYSIS
AND/OR
JOB IMPACT STATEMENT**

Zika Action Plan; Performance Standards

I.D. No. HLT-14-16-00001-E

This regulatory impact statement, regulatory flexibility analysis, rural area flexibility analysis and/or job impact statement pertain(s) to a notice of Emergency rule making, I.D. No. HLT-14-16-00001-E, printed in the *State Register* on April 6, 2016.

Regulatory Impact Statement

Statutory Authority:

Article 6 of the Public Health Law (PHL) sets forth the statutory framework for the Department's State Aid program, which partially reimburses local health departments (LHDs) for eligible expenses related to specified public health services. PHL §§ 602(4), 603(1), and 619 authorize the commissioner to promulgate rules and regulations to effectuate the provisions of PHL Article 6. PHL § 619 specifies that such regulations shall include establishing standards of performance for core public health services and for monitoring performance, collecting data, and evaluating the provision of such services.

Legislative Objectives:

PHL Article 6 establishes a program that provides State Aid to LHDs to partially reimburse the cost of core public health services, including communicable disease control and emergency preparedness and response.

Needs and Benefits:

Zika virus is newly emerging as a worldwide threat to public health, and it is spreading widely in the Western Hemisphere. Zika virus has been associated with microcephaly and potentially other birth defects. In particular, there have been reports in Brazil and other countries of microcephaly in infants of mothers who were infected with Zika virus while pregnant. Developing research appears to support this association. Zika virus may also cause Guillain-Barré Syndrome, which can cause muscle weakness and sometimes paralysis. For these reasons, in February 2016, the World Health Organization declared the recent cluster of microcephaly and other neurological abnormalities associated with in utero exposure to the Zika virus a public health emergency of international concern.

Because 80% of cases are asymptomatic, limited control measures exist. Further, although Zika virus is transmitted primarily through the bite of a mosquito, sexual transmission has also been documented.

To date, the Department's Wadsworth Center has conducted tests on samples from more than 2,300 patients, and 55 have been found to be positive for Zika virus. New York has the second highest total of any state in the continental United States after Florida. With the exception of one possible case of sexual transmission, all of these infections have occurred in returning travelers from countries with active mosquito-borne transmission of Zika virus.

In the Western Hemisphere, the Zika virus has been primarily transmitted by a mosquito bite from the species *Aedes aegypti*. That species is not currently established in New York State; however, a related species of mosquito, *Aedes albopictus*, is established in New York City, as well as Orange, Nassau, Putnam, Rockland, Suffolk, and Westchester Counties. Additionally, Dutchess, Sullivan, and Ulster Counties are located on the northern border of these affected areas.

Because *Aedes albopictus* is a tropical mosquito, it has difficulty surviving cold winters, limiting its northward spread, but it has adapted to survive in a broader temperature range. Although researchers are currently uncertain if *Aedes albopictus* can effectively transmit the Zika virus, New York State must prepare for this contingency.

A primary public health objective is to reduce the risk to developing fetuses of pregnant women in New York State. As such, during the spring, summer and fall, it is important that the Department and LHDs take action to protect the health and safety of all New Yorkers from the Zika virus.

LHDs are integral State partners and play important roles in human disease monitoring, response and control; health education and prevention; and mosquito trapping, testing, habitat inspection, and control. As a result, it is essential that LHDs are prepared to respond to the threat of Zika virus in their communities. Many LHDs may need to respond to travel-associated cases only, because they do not have mosquitoes capable of transmitting Zika virus within their borders. However, those counties that

do have mosquitoes capable of transmitting Zika virus generally have large human populations and a high number of travelers to affected areas.

Accordingly, these regulations require that, as a condition of State Aid for public health work, each LHD must adopt and implement a Zika Action Plan (ZAP) that includes specified elements, but that can also be tailored to the situation within its borders. Those counties that do not have *Aedes albopictus*, or other mosquitoes capable of transmitting the Zika virus, must perform human disease monitoring of travel-associated cases and provide education about Zika virus. For those counties that have, or that are at risk for acquiring, *Aedes albopictus*, or other mosquitoes capable of transmitting the Zika virus, additional required activities include: enhanced human disease monitoring and disease control; enhanced education about Zika virus and its prevention; mosquito trapping, testing and habitat inspection specific to *Aedes albopictus*, or other mosquitoes capable of transmitting the Zika virus; mosquito control; and identification and commitment of appropriate staff available to join State-coordinated rapid response teams, which may be deployed to those areas where the Department determines that there is a potential transmission of Zika virus by mosquitoes.

Costs:

Although exact costs cannot be predicted at this time, the Department does not expect compliance to result in significant costs with respect to plan development, which can be achieved using existing staff. Preparation time will vary according to the demographics of the jurisdiction served by the LHD. However, the cost of these personnel hours is expected to be greatly outweighed by the benefit to public health. LHDs may incur costs including salaries and related expenditures associated with ongoing human disease monitoring, response and control, as well as public education activities and programs.

Those LHDs identified by the Department as jurisdictions where mosquitoes capable of transmitting the Zika virus are currently located or may be located in the future may incur additional costs, including salaries and related expenditures associated with mosquito trapping, testing, and habitat inspections as well as expenditures related to mosquito control, to the extent such counties are not already performing these activities.

Local Government Mandates:

Although compliance is not strictly mandatory, the adoption, implementation, and annual updating of a ZAP is a condition of State Aid for general public health work. As set forth in the regulation, the activities that must be performed to be eligible for State Aid vary by county, and are described in detail below.

By April 15, 2016 all LHDs must electronically transmit a ZAP to the Department that describes how they will conduct timely education, as well as human disease monitoring and reporting of Zika virus.

For those LHDs identified by the Department as jurisdictions where mosquitoes capable of transmitting the Zika virus are currently located or may be located in the future, their ZAP must include processes and procedures for:

- (1) enhanced human disease monitoring, response and control;
- (2) enhanced education to the public and health care providers regarding the possibility of local Zika virus transmission and the risk to pregnant women;
- (3) mosquito trapping, testing, and habitat inspections;
- (4) mosquito control plans tailored to local needs; and
- (5) names, roles and contact information of LHD and/or county staff that will join the state-coordinated rapid response teams.

Paperwork:

This regulation requires preparation of a ZAP to respond to an emergency threat to public health.

Duplication:

No relevant rules or legal requirements of the Federal and State governments duplicate, overlap or conflict with this rule.

Alternatives:

The alternative would be to continue a situation in which there is inconsistent approaches across the State with respect to monitoring and control of the spread of the Zika virus.

Federal Standards:

The rule does not exceed any minimum standards of the Federal government for the same or similar subject area.

Compliance Schedule:

The regulation became effective upon filing the Emergency Adoption with the Department of State on March 17, 2016. However, LHDs will have until April 15, 2016 to adopt and implement the ZAP.

Regulatory Flexibility Analysis

Effect on Small Business and Local Governments:

Local health departments (LHDs) will be required to develop Zika Action Plans (ZAPs).

Compliance Requirements:

These regulations apply exclusively to local governments. Accordingly, please refer to the Regulatory Impact Statement.

Professional Services:

In response to the mosquito control plan requirement, those LHDs identified by the Department as jurisdictions where mosquitoes capable of transmitting the Zika virus are currently located, or may be located in the future, may need to obtain the services of a commercial pesticide applicator.

Capital Costs and Annual Costs of Compliance:

The Department does not expect compliance to result in significant costs. Compliance can be achieved using existing staff. Preparation time will vary according to the demographics of the jurisdiction served by the LHD. However, the cost of these personnel hours is expected to be greatly outweighed by the benefit to public health.

Economic and Technological Feasibility:

The proposed regulatory changes will not impose any new technology requirements or costs, or otherwise pose feasibility concerns.

Minimizing Adverse Impact:

No adverse impacts have been identified.

Small Business and Local Government Input:

Because of the emergency nature of these regulations, local government input has not been solicited.

Cure Period:

Chapter 524 of the Laws of 2011 requires agencies to include a "cure period" or other opportunity for ameliorative action to prevent the imposition of penalties on the party or parties subject to enforcement under the proposed regulation. Zika virus represents a significant threat to public health, and the regulation provides the appropriate time for LHDs to adopt and implement their ZAPs. Hence, no cure period is necessary.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis for these amendments is not being submitted because amendments will not impose any adverse impact or significant reporting, record keeping or other compliance requirements on public or private entities in rural areas. There are no professional services, capital, or other compliance costs imposed on public or private entities in rural areas as a result of the proposed amendments.

Job Impact Statement

A Job Impact Statement for these amendments is not being submitted because it is apparent from the nature and purposes of the amendments that they will not have a substantial adverse impact on jobs and/or employment opportunities.

Office of Mental Health

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Telepsychiatry Services

I.D. No. OMH-15-16-00001-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Addition of Part 596; and repeal of section 599.17 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 7.09 and 31.04

Subject: Telepsychiatry Services.

Purpose: Establish basic standards to approve telepsychiatry in certain OMH-licensed programs; repeal unnecessary existing provisions.

Text of proposed rule: 1. Section 599.17 of Title 14 NYCRR is repealed.

2. A new Part 596 is added to Title 14 NYCRR to read as follows:

Part 596

TELEPSYCHIATRY SERVICES

§ 596.1 Background and intent.

(a) Telepsychiatry is defined as the use of two-way real-time interactive audio and video equipment to provide and support mental health services at a distance. Such services do not include a telephone conversation, electronic mail message or facsimile transmission between a clinic and a recipient, or a consultation between two professional or clinical staff.

(b) Telepsychiatry can be beneficial to a mental health care delivery system, particularly when on-site services are not available or would be delayed because of distance, location, time of day, or availability of resources. The benefits of telepsychiatry can include improved access to care, provision of care locally in a more timely fashion, improved continuity of care, improved treatment compliance, and coordination of care.

(c) The Office of Mental Health supports the use of telepsychiatry as an appropriate component of the mental health delivery system to the extent that it is in the best interests of the person served and is performed in compliance with applicable federal and state laws and regulations and the provisions of this Part in order to address legitimate concerns about privacy, security, patient safety, and interoperability.

§ 596.2 Legal base.

(a) Section 7.09 of the Mental Hygiene Law grants the Commissioner of Mental Health the power and responsibility to adopt regulations that are necessary and proper to implement matters under his or her jurisdiction.

(b) Sections 31.02 and 31.04 of the Mental Hygiene Law authorize the Commissioner of Mental Health to set standards of quality and adequacy of facilities, equipment, personnel, services, records and programs for the rendition of services for persons diagnosed with mental illness, pursuant to an operating certificate.

§ 596.3 Applicability.

(a) The provisions of this Part shall apply to any provider licensed pursuant to Article 31 of the Mental Hygiene Law who has been authorized by the Office under this Part to include the use of telepsychiatry as a means of rendering licensed services, provided, however, that telepsychiatry shall not be utilized in Personalized Recovery Oriented Services (PROS) programs subject to Part 512 of this Title or Assertive Community Treatment (ACT) programs approved pursuant to Part 551 of this Title.

(b) The provisions of this Part do not apply to telehealth services subject to regulations of the Department of Health at 18 NYCRR Section 505.38, provided, however, nothing in this Part shall be deemed to restrict the ability of providers under the jurisdiction of the Office from contracting for telehealth services delivered in accordance with such regulations.

§ 596.4 Definitions. For purposes of this Part:

(a) Distant or "hub" site means the distant location at which the practitioner rendering the telepsychiatry service is located at the time the services are provided.

(b) Encounter means a telepsychiatry event involving patient contact, whereby the care of the patient is the direct responsibility of both the originating (spoke site) provider and the distant (hub site) provider.

(c) Encryption means a system of encoding data on a Web page or email where the information can only be retrieved and decoded by the person or computer system authorized to access it.

(d) Hospital means an inpatient facility licensed by the Office under Article 31 of the Mental Hygiene Law or a ward, wing, unit or other part of a hospital as defined in Article 28 of the Public Health Law which is operated as a part of such hospital for the purpose of providing services for persons with mental illness pursuant to an operating certificate issued by the Office.

(e) Office means the Office of Mental Health.

(f) Originating or "spoke" site means the site where the patient is physically located at the time mental health services are delivered to her/him by means of telepsychiatry.

(g) Nurse practitioner in psychiatry means a person currently certified as a nurse practitioner with an approved specialty area of psychiatry (NPP) by the New York State Education Department or who possesses a permit from the New York State Education Department.

(h) Physician means a psychiatrist currently licensed to practice medicine in New York State who (i) is a diplomat of the American Board of Psychiatry and Neurology or is eligible to be certified by that Board, or (ii) is certified by the American Osteopathic Board of Neurology and Psychiatry or is eligible to be certified by that Board.

(i) Practitioner means a physician or nurse practitioner in psychiatry who is providing telepsychiatry services from a distant or hub site in accordance with the provisions of this Part.

(j) Provider of services means a provider of mental health services licensed pursuant to Article 31 of the Mental Hygiene Law.

(k) Qualified mental health professional means a practitioner possessing a license or a permit from the New York State Education Department who is qualified by credentials, training, and experience to provide direct services related to the treatment of mental illness and shall include physicians and nurse practitioner in psychiatry, as defined in subdivisions (e) and (f) of this Section, as well as the following:

(1) Creative arts therapist: a person currently licensed as a creative arts therapist by the New York State Education Department or who possesses a creative arts therapist permit from the New York State Education Department.

(2) Licensed practical nurse: a person currently licensed as a licensed practical nurse by the New York State Education Department or who possesses a licensed practical nurse permit from the New York State Education Department.

(3) Licensed psychoanalyst: a person currently licensed as a psychoanalyst by the New York State Education Department or who possesses a permit from the New York State Education Department.

(4) Licensed psychologist: a person currently licensed as a psycholo-

gist by the New York State Education Department, or who possesses a permit from the New York State Education Department and who possesses a doctoral degree in psychology, or an individual who has obtained at least a master's degree in psychology who works in a federal, state, county or municipally operated clinic.

(5) Marriage and family therapist: a person currently licensed as a marriage and family therapist by the New York State Education Department or who possesses a permit from the New York State Education Department.

(6) Mental health counselor: a person currently licensed as a mental health counselor by the New York State Education Department or who possesses a permit from the New York State Education Department.

(7) Nurse practitioner: a person currently certified as a nurse practitioner by the New York State Education Department or who possesses a permit from the New York State Education Department.

(8) Physician: a person currently licensed as a physician by the New York State Education Department or who possesses a permit from the New York State Education Department.

(9) Physician assistant: a person currently registered as a physician assistant by the New York State Education Department or who possesses a permit from the New York State Education Department.

(10) Registered professional nurse: a person currently licensed as a registered professional nurse by the New York State Education Department or who possesses a permit from the New York State Education Department.

(11) Social worker: a person who is either currently licensed as a licensed master social worker or as a licensed clinical social worker (LCSW) by the New York State Education Department, or who possesses a permit from the New York State Education Department to practice and use the title of either licensed master social worker or licensed clinical social worker.

(l) Telecommunication system means an interactive telecommunication system that is used to transmit data between the originating/ spoke and distant/ hub sites.

(m) Telepsychiatry means the use of two-way real-time interactive audio and video to provide and support clinical psychiatric care at a distance. Such services do not include a telephone conversation, electronic mail message, or facsimile transmission between a provider and a patient or a consultation between two physicians or nurse practitioners, or other staff, although these activities may support telepsychiatry services.

§ 596.5 Approval to Utilize Telepsychiatry Services.

(a) A provider of services must obtain prior written approval of the Office before utilizing telepsychiatry services.

(b) Approval shall be based on receipt by the Office of the following:

(1) Sufficient written demonstration that telepsychiatry will be used for assessment and treatment services consistent with the provisions of this Part, and that the services are being requested because they are necessary to improve the quality of care of individuals receiving services;

(2) Submission of a written plan to provide telepsychiatry services that satisfies the provisions of this Part and includes:

(i) confidentiality protections for persons who receive telepsychiatry services, including measures to ensure the security of the electronic transmission;

(ii) informed consent of persons who receive telepsychiatric services;

(iii) procedures for handling emergencies with persons who receive telepsychiatric services; and

(iv) contingency procedures to use when the delivery of telepsychiatric service is interrupted, or when the transmission of the two-way interactions is deemed inadequate for the purpose of service provision.

(c) Requests for approval to offer telepsychiatry services shall be submitted to the Field Office serving the area in which the originating/ spoke site is located. If both sites are licensed by the Office, then the request for approval shall be submitted by the originating site. Such Field Office may make an on-site visit to either or both sites prior to issuing approval.

(d) The Office shall provide its approval to utilize telepsychiatry services in writing. The provider of services must retain a copy of the approval document and shall make it available for inspection upon request of the Office.

(e) Failure to adhere to the requirements set forth in this Part may be grounds for revocation of such approval. In the event that the Office determines that approval to utilize telepsychiatry services must be revoked, it will notify the provider of services of its decision in writing. The provider of services may request an informal administrative review of such decision.

(1) The provider of services must request such review in writing within 15 days of the date it receives notice of revocation of approval to utilize telepsychiatry services to the Commissioner or designee. The request shall state specific reasons why such provider considers the revo-

cation of approval incorrect and shall be accompanied by any supporting evidence or arguments.

(2) The Commissioner or designee shall notify the provider of services, in writing, of the results of the informal administrative review within 20 days of receipt of the request for review. Failure of the Commissioner or designee to respond within that time shall be considered confirmation of the revocation of deemed status.

(3) The Commissioner's determination after informal administrative review shall be final and not subject to further administrative review.

§ 596.6 Requirements for Telepsychiatry Services.

(a) General requirements.

(1) The distant/hub site practitioner must:

(i) possess a current, valid license to practice in New York State;

(ii) directly render the telepsychiatry service;

(iii) abide by the laws and regulations of the State of New York including the New York State Mental Hygiene Law and any other law, regulation, or policy that governs the assessment or treatment service being provided; and

(iv) exercise the same standard of care as in-house delivered services; and

(v) be enrolled in the Medicaid program.

(2) The distant/hub practitioner and originating/spoke site provider of service must not be terminated, suspended, or barred from the Medicaid or Medicare program.

(3) If the originating/spoke site is a hospital, the distant/hub practitioner must be credentialed and privileged by such hospital, consistent with applicable accreditation standards.

(4) Telepsychiatry services must be rendered using an interactive telecommunication system.

(5) A notation must be made in the clinical record that indicates that the service was provided via telepsychiatry and which specifies the time the service was started and the time it ended.

(6) Telepsychiatry services provided to patients under age 18 may include staff that are qualified mental health professionals, as such term is defined in this Part, in the room with the patient. Such determinations shall be clinically based, consistent with clinical guidelines issued by the Office.

(7) For the purposes of this Part, telepsychiatry services shall be considered face-to-face contacts when the service is delivered in accordance with the provisions of the plan approved by the Office pursuant to Section 596.5 of this Part.

(8) Culturally competent interpreter services shall be provided in the patient's preferred language when the patient and distant/hub practitioners do not speak the same language.

(9) The practitioner providing telepsychiatry services at a distant/hub site shall be considered an active part of the patient's treatment team and shall be available for discussion of the case or for interviewing family members and others, as the case may require. Such practitioner shall prepare appropriate progress notes and securely forward them to the originating/spoke provider as a condition of reimbursement.

(10) Telepsychiatry services shall not be used:

(i) for purposes of ordering medication over objection or restraint or seclusion, as defined in section 526.4 of this Title; or

(ii) to satisfy any specific statutory examination, evaluation or assessment requirement necessary for the involuntary removal from the community, or involuntary retention in a hospital pursuant to any of the provisions of Article 9 of the Mental Hygiene Law. Physicians conducting such examinations, evaluations or assessments may only utilize telepsychiatry on a consultative basis.

(b) Protocols and Procedures. A provider of services approved to utilize telepsychiatry services must have written protocols and procedures that address the following:

(1) Informed Consent: Protocols must exist to afford persons receiving services with the opportunity to provide informed consent to participate in any such services by utilizing telepsychiatry. Patients shall be advised of their right to refuse these services and to be apprised of the alternatives to telepsychiatry services, including any delays in service, need to travel, or risks associated with not having the services provided by telepsychiatry.

(i) The patient must be provided with basic information about telepsychiatry and shall provide his or her informed consent to participate in services utilizing this technology.

(ii) For patients under age 18, such information shall be shared with and informed consent obtained from the patient's parent or guardian.

(iii) The patient has the right to refuse to participate in telepsychiatry services, in which case evaluations must be conducted in-person by appropriate clinicians.

(iv) Telepsychiatry sessions shall not be recorded without the patient's consent.

(2) Confidentiality: Protocols and procedures should be maintained

as required by Mental Hygiene Law Section 33.13 and the Health Insurance Portability and Accountability Act (HIPAA) at 45 CFR Parts 160 and 164. Such protocols shall ensure that all current confidentiality requirements and protections that apply to written clinical records shall apply to services delivered by telecommunications, including the actual transmission of the service, any recordings made during the time of transmission, and any other electronic records.

(i) All confidentiality requirements that apply to written medical records shall apply to services delivered by telecommunications, including the actual transmission of the service, any recordings made during the time of transmission, and any other electronic records.

(ii) The spaces occupied by the patient at the originating/spoke site and the practitioner at the distant/hub site must meet the minimum standards for privacy expected for patient-clinician interaction at a single Office of Mental Health licensed location.

(3) Security of Electronic Transmission: All telepsychiatry services must be performed on dedicated secure transmission linkages that meet minimum federal and state requirements, including but not limited to 45 C.F.R. Parts 160 and 164 (HIPAA Security Rules), and which are consistent with guidelines of the Office. Transmissions must employ acceptable authentication and identification procedures by both the sender and the receiver.

(4) Psychiatric emergencies: Protocols should exist to address psychiatric emergencies, which may override the right to confidentiality to require the presence of others if, for instance, an individual receiving services is suicidal, homicidal, dissociated, or acutely psychotic during the evaluation or treatment service. In general this individual should not be managed via telepsychiatry without qualified mental health professionals present at the originating/spoke site, unless there are no adequate alternatives and immediate intervention is deemed essential for patient safety. All telepsychiatry sites must have a written procedure detailing the availability of in-person assessments by a physician or nurse practitioner in an emergency situation.

(5) Prescribing medications via telepsychiatry: Procedures for prescribing medications through telepsychiatry must be identified and must be in accordance with applicable New York State and federal regulations.

(6) Procedures for first evaluations for involuntary commitments: Under New York State law, physicians must conduct first evaluations for involuntary commitments of individuals. If these evaluators want additional consultation before rendering their decision, they may obtain consultation from psychiatrists via telepsychiatry. The responsibility for signing the commitment papers remains with the physician who actually conducted the evaluation of the individual at the facility, not the psychiatrist who provided the telepsychiatric consultation.

(7) Patient rights: Patient rights policies must ensure that each individual receiving telepsychiatry services:

(i) is informed and made aware of the role of the practitioner at the distant/hub site, as well as qualified professional staff at the originating/spoke site who are going to be responsible for follow-up or on-going care;

(ii) is informed and made aware of the location of the distant/hub site and all questions regarding the equipment, the technology, etc., are addressed;

(iii) has the right to have appropriately trained staff immediately available to him/her while receiving the telepsychiatry service to attend to emergencies or other needs; and

(iv) has the right to be informed of all parties who will be present at each end of the telepsychiatry transmission.

(8) Quality of Care: All telepsychiatry sites shall have established written quality of care protocols to ensure that the services meet the requirements of New York state and federal laws and established patient care standards. A review of telepsychiatry services shall be included in the provider's quality management process.

(9) Contingency Plan: All telepsychiatry sites must have a written procedure detailing the contingency plan when there is a failure of the transmission or other technical difficulties that render the service undeliverable.

(c) Guidelines of the Office. The Office shall develop guidelines to assist providers in complying with the provisions of this Part and in achieving treatment goals through the use of telepsychiatry. The Office shall post such guidelines on its public website.

§ 596.7 Reimbursement for Telepsychiatry Services.

(a) The originating/spoke site where the patient is admitted is the only site authorized to bill Medicaid for telepsychiatry services.

(b) Under the Medicaid program, telepsychiatry services are covered when medically necessary and when provided under the following circumstances:

(1) the person receiving services is physically located at the originating/spoke site and the practitioner is physically located at the distant/hub site;

(2) the person receiving services is present at the originating/spoke site during the telepsychiatry encounter or consultation;

(3) the physician/nurse practitioner is not conducting the telepsychiatry encounter consultation at the originating/spoke site;

(4) the request for telepsychiatry services and the rationale for the request are documented in the individual's clinical record;

(5) the clinical record includes documentation that the telepsychiatry encounter or consultation occurred and that the results and findings were communicated to the requesting provider of services;

(6) the practitioner at the distant/hub site is:

(i) licensed in New York State;

(ii) practicing within his/her scope of specialty practice;

(iii) enrolled in New York Medicaid;

(iv) affiliated with the originating/spoke site facility; and

(v) if the originating/spoke site is a hospital, is credentialed and privileged at the originating/spoke site facility, and is in compliance with regulations of the Department of Health, where applicable.

(c) If the person receiving services is not present during the provision of the telepsychiatry service, the service is not eligible for Medicaid reimbursement and remains the responsibility of the originating/spoke facility.

(d) The following interactions do not constitute reimbursable telepsychiatry services:

(1) telephone conversations;

(2) video cell phone interactions;

(3) e-mail messages.

(e) The originating/spoke site may bill for administrative expenses only when a telepsychiatric connection is being provided and a physician or nurse practitioner is not present with the patient at the time of the encounter.

(f) Reimbursement for services provided via telepsychiatry must be in accordance with the rates and fees established by the Office and approved by the Director of the Budget.

(g) If all or part of a telepsychiatry service is undeliverable due to a failure of transmission or other technical difficulty, reimbursement shall not be provided.

§ 596.8 Contracts for the Provision of Telepsychiatry Services.

(a) Nothing in this Part shall be deemed to prohibit a provider of services from providing assessment and treatment services, consistent with applicable regulations of the Office, as a distant/hub site via telepsychiatry pursuant to contract with an originating/spoke site provider that is not licensed or operated by the Office, but which is enrolled in the Medicaid program.

(b) Although prior approval of the Office is not required before entering into such contracts, notice of such contracts or agreements shall be provided by the distant/hub provider of services within 30 days after execution of such contract to the Field Office serving the area where such provider of services is located.

(c) Reimbursement for telepsychiatry service shall be pursuant to such contracts and are not separately billable by the distant/hub site.

(d) Providers of service shall not engage in distant/hub telepsychiatric services that violate the provisions of paragraph (10) of subdivision (a) of Section 596.6 of this Part.

Text of proposed rule and any required statements and analyses may be obtained from: Kim Breen, NYS Office of Mental Health, 44 Holland Avenue, Albany, NY 12229, (518) 474-1331, email: regs@omh.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement

1. Statutory authority: Sections 7.09 and 31.04 of the Mental Hygiene Law grant the Commissioner of Mental Health the authority and responsibility to adopt regulations that are necessary and proper to implement matters under his or her jurisdiction.

2. Legislative objectives: Articles 7 and 31 of the Mental Hygiene Law reflect the Commissioner's authority to establish regulations regarding mental health programs.

3. Needs and benefits: Technology has made it possible to increase access to health care, including behavioral health care, by utilizing secure interactive communications. Telepsychiatry is the use of electronic communication and information technologies to provide or support clinical psychiatric care at a distance. Telepsychiatry is appropriate in situations where on-site services are not available due to distance, location, time of day, or availability of resources. The many advantages offered through telepsychiatry have led to a rapid expansion of such programs across New York State and the rest of the country. While clinical practice standards are developing along with this proliferation, OMH regulations currently address the use of telepsychiatry only in OMH licensed clinics. These amendments are intended to establish basic standards and parameters to

approve the use of telepsychiatry by providers licensed pursuant to Article 31 of the Mental Hygiene Law that choose to offer this service; however, telepsychiatry shall not be utilized in Personalized Recovery Oriented Services (PROS) programs subject to Part 512 of this Title or Assertive Community Treatment (ACT) programs approved pursuant to Part 551 of this Title. This regulatory proposal also serves to repeal the telepsychiatry provisions found in 14 NYCRR Section 599.17 because they will be unnecessary upon promulgation of these amendments.

4. Costs: Costs to implement telepsychiatry, in general, are significantly offset by the cost savings that can result from its use, in terms of commuting time, cost of fuel, losses due to "no show" appointments, and number of appointments that can be booked per day. Specifically:

(a) cost to State government: There are no new costs to State government as a result of these amendments.

(b) cost to local government: There are no new costs to local government as a result of these amendments.

(c) cost to regulated parties: For providers that wish to offer these services (which includes any provider licensed pursuant to Article 31 of the Mental Hygiene Law with the exception of PROS and ACT program providers), the minimum requirements for an Internet-based solution are approximately \$120 for a Webcam and then a WebEx end user license. Software licensing cost can vary, depending on the number of users at a site.

5. Local government mandates: The provision of this service is not required. These regulatory amendments will not involve or result in any additional imposition of duties or responsibilities upon county, city, town, village, school, or fire districts.

6. Paperwork: For providers that wish to provide this service, written plans must be submitted for approval by the Office.

7. Duplication: These regulatory amendments do not duplicate existing State or federal requirements.

8. Alternatives: OMH has been granting regulatory waivers in accordance with 14 NYCRR Part 501 to providers that have wished to provide telepsychiatry services. OMH could continue to grant such waivers on an ad hoc basis; however, given the interest in, and advantages to, this service, OMH wishes to advance these amendments to establish basic standards for the provision of telepsychiatry services to ensure quality and efficacy.

9. Federal standards: There are currently no federal standards specific to the provision of in-state telepsychiatry. However, the regulatory amendments conform to the minimum standards of the federal government with respect to the privacy and security of transmissions of protected health information (45 C.F.R. Parts 160 and 164, or HIPAA). In addition, the regulatory amendments are consistent with the definition of "telemedicine" issued by the Centers for Medicare and Medicaid Services (42 U.S.C. §§ 1395m(m)(1), 42 C.F.R. § 410.78(a)(3)).

10. Compliance schedule: The amendments would be effective upon adoption.

Regulatory Flexibility Analysis

The amendments to 14 NYCRR Part 596 are intended to establish basic standards and parameters to approve the use of telepsychiatry in certain OMH-licensed programs that choose to offer this service. The provision of telepsychiatry services is not required, and the amendments themselves do not create new local government mandates. As a result of this rule making, the regulations with respect to telepsychiatry will be located in a new Part, specifically 14 NYCRR Part 596; therefore, the existing telepsychiatry provisions in 14 NYCRR Section 599.17 must be repealed to avoid confusion to providers of service. As there will be no adverse economic impact on small businesses or local governments as a result of these amendments, a regulatory flexibility analysis is not submitted with this notice.

Rural Area Flexibility Analysis

The amendments to 14 NYCRR Part 596 are intended to establish basic standards and parameters to approve the use of telepsychiatry in certain OMH-licensed programs that choose to offer this service. The provision of telepsychiatry services is not required. As a result of this rule making, the regulations with respect to telepsychiatry will be located in a new Part, specifically 14 NYCRR Part 596; therefore, the existing telepsychiatry provisions in 14 NYCRR Section 599.17 must be repealed to avoid confusion to providers of service. The proposed rule will not impose any adverse economic impact on rural areas; therefore, a Rural Area Flexibility Analysis is not submitted with this notice.

Job Impact Statement

The amendments to 14 NYCRR Part 596 are intended to establish basic standards and parameters to approve the use of telepsychiatry in certain OMH-licensed programs that choose to offer this service. The provision of telepsychiatry services is not required. As a result of this rule making,

the regulations with respect to telepsychiatry will be located in a new Part, specifically 14 NYCRR Part 596; therefore, the existing telepsychiatry provisions in 14 NYCRR Section 599.17 must be repealed to avoid confusion to providers of service. Because it is evident from the subject matter that there will be no adverse impact on jobs and employment opportunities as a result of these amendments, a Job Impact Statement is not submitted with this notice.

Metropolitan Transportation Agency

NOTICE OF ADOPTION

MTA Bus Company - Rules and Regulations

I.D. No. MTA-50-15-00005-A

Filing No. 355

Filing Date: 2016-03-29

Effective Date: 2016-04-13

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Addition of Part 1044 to Title 21 NYCRR.

Statutory authority: Public Authorities Law, section 1265

Subject: MTA Bus Company - Rules and Regulations.

Purpose: Regulate conduct on MTA buses and facilities to enhance safety and protect employees, customers, bus facilities and the public.

Text or summary was published in the December 16, 2015 issue of the Register, I.D. No. MTA-50-15-00005-P.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Paige Graves, MTA Bus, 2 Broadway, New York, NY 10004, (646) 252-3754, email: Paige.Graves@nyc.com

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2019, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The MTA Bus Company ("MTABC") published a Notice of Proposed Rule Making in the New York State Register on December 16, 2015. The Notice of Proposed Rule Making entitled "Rules and Regulations Governing the Conduct and Safety of the Public" sets forth rules of conduct to promote safety; to facilitate the proper use of MTABC transportation facilities; and to protect MTABC transportation facilities, its customers, employees and the public ("Proposed Rules"). Pursuant to State Administrative Procedure Act (S.A.P.A) Section 202(1)(a), MTABC accepted public comments for forty-five days after the Notice of Proposed Rule Making was published in the New York State Register.

During the forty-five day period, MTABC received six comments. The comments suggested the following revisions to the Proposed Rules: (1) include emotional support animals in the definition of service animals; (2) exclude eating and drinking from paid areas; (3) extend the definition of farecard to include radio-frequency identification card; (4) remove photography restrictions; (5) remove restriction that passengers refrain from blocking the free movement of others by putting their feet or item on the seat.

The comments and the MTABC's responses are summarized below:

1. Emotional Support Animals

Two commenters suggested that MTABC include emotional support animal in the definition of "service animals." One commenter stated that prohibiting emotional support service animals violates the Americans with Disabilities Act ("ADA"). Another commenter suggested that excluding emotional support animals may make it more difficult for veterans with PTSD to use public transportation. The commenters' suggestions explicitly contradicts the Americans with Disabilities Act ("ADA") and the respective U.S. Department of Justice's guidance material.

First, the Proposed Rules define "service animal" as:

"a guide dog, signal dog, or other animal individually trained to perform tasks for the benefit of a person with a disability that such person is unable to perform due to such disability, such as guiding persons with impaired vision, alerting persons with impaired hearing to sounds, pulling a

wheelchair, retrieving dropped items or providing rescue assistance. The term service animal does not include a therapy animal or animal used for emotional support." (Emphasis added)

The abovementioned definition is consistent with 28 CFR 36.104. § 36.104 explains that "...the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks..." under the definition of "service animal."

Second, to further clarify the work and tasks that a "service animal" provides, the U.S. Department of Justice's guidance material explains that:

"...work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA." U.S. Department of Justice: ADA Requirements, http://www.ada.gov/service_animals_2010.htm (last visited Feb. 23, 2016).

Finally, based on the foregoing, the definition of service animal in the Proposed Rules is consistent with the definition set forth in the 28 CFR 36.104 and the U.S. Department of Justice's guidance material.

2. Exclude Eating And Drinking From Paid Areas

One commenter suggested that customers should be prohibited from eating and drinking in paid areas to save money on cleaning costs. The commenter further suggested that the cost of enforcing the rule should be covered by rule violators. This suggestion is outside the scope of the Proposed Rules. The Proposed Rules are established to promote safety.

3. Farecard Definition

One commenter suggested that MTABC extends the definition of farecard from magnetically encoded cards to include radio-frequency identification cards. The commenter acknowledges that the definition accurately describes the current farecard system. However, the commenter posits that should MTABC transitions to radio-frequency identification cards such as those used in Boston, Atlanta, and Chicago, MTABC will be required to rewrite its definition of farecard. The Proposed Rules explain that farecards "include, but are not limited to, (i) value-based, magnetically encoded cards (frequently referred to as pay-per-ride MetroCards) containing stored monetary value from which a specified amount of value is deducted as payment of a fare, and (ii) time-based, magnetically encoded cards (frequently referred to as unlimited ride MetroCards) which permit entrance onto conveyances for a specified period of time." (Emphasis added) MTABC acknowledges that its farecard may not solely be limited to magnetically encoded card. Therefore, the definition contains the phrase "include, but are not limited to." The phrase denotes that the list is neither restrictive nor exhaustive. Therefore, if MTABC transitions to radio-frequency identification cards, the definition would still apply.

4. Photography Restrictions

One commenter suggested that MTABC remove the restriction for a passenger to take photographs. The Proposed Rules contain no such restriction. The Proposed Rules make clear that "[p]hotography, filming or video recording in any facility or bus is permitted except that ancillary equipment such as lights, reflectors or tripods may not be used. Members of the press holding valid identification issued by the New York City Police Department are hereby authorized to use necessary ancillary equipment. All photographic activity must be conducted in accordance with the provisions of these rules."

5. Blocking Free Movement

One commenter suggested that MTABC remove the restriction that passengers refrain from blocking the free movement of others by putting their feet or items on the seat. The commenter posits that "for many well-meaning passengers it [would be] ... impossible not to break this rule." MTABC disagrees with this assessment. The Proposed Rules are established to promote safety and protect MTABC transportation facilities. Blocking the free movement of other passengers and placing one's feet on the seat are among the activities MTABC intends to discourage.

Department of Motor Vehicles

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Enforcement of Off Premise Sales Regulation

I.D. No. MTV-15-16-00009-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of section 78.3 of Title 15 NYCRR.

Statutory authority: Vehicle and Traffic Law, sections 215(a) and 415

Subject: Enforcement of off premise sales regulation.

Purpose: To provide for enforcement of off premise sales regulation.

Text of proposed rule: Subdivision (d) of section 78.3 is amended to read as follows:

(d) Place of business in New York. An applicant for a dealer registration must have and continuously maintain a place of business in this state. Only a New York registered retail dealer may engage in the buying and selling of vehicles at retail as a business in New York. *An application for registration shall be denied, or, if one has been approved, such application shall be subject to suspension, revocation and/or a civil penalty as provided for in section 78.32 of this Part, where the Commissioner has reasonable grounds to believe that such registration has been or will be used for the purpose of circumventing the restrictions set forth in section 78.8 of this Part regarding sales away from premises.*

Text of proposed rule and any required statements and analyses may be obtained from: Heidi Bazicki, Department of Motor Vehicles, 6 Empire State Plaza, Rm. 522A, Albany, NY 12228, (518) 474-0871, email: heidi.bazicki@dmv.ny.gov

Data, views or arguments may be submitted to: Ida L. Traschen, Department of Motor Vehicles, 6 Empire State Plaza, Rm. 522A, Albany, NY 12228, (518) 474-0871, email: ida.traschen@dmv.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement

1. Statutory authority: Vehicle and Traffic Law (VTL) section 215(a) provides that the Commissioner of Motor Vehicles may enact rules and regulations that regulate and control the exercise of the powers of the Department. VTL section 415 controls the registration, rights and responsibilities of dealers.

2. Legislative objectives: VTL 415(1)(c) provides that a dealer must have a "place of business," which "means a designated location at which the business of the dealer is conducted, and, in relation to a retail dealer, facilities for displaying new or used motor vehicles." However, under the Commissioner's broad regulatory authority, Section 78.8 establishes the parameters for conducting off-premise sales. The purpose of the proposed regulation is to prohibit dealers and applicants for dealer registrations from circumventing the restrictions applicable to off-premise sales.

3. Needs and benefits: On August 15, 2015, the Commissioner adopted regulations that provided specific guidance for the conduct of off-premise sales in New York State. The Department noted in the Regulatory Impact Statement that, "[o]ver the past several years, an increasing number of dealerships have exploited loopholes in the current regulation by using third-party promotional companies to sell vehicles, instead of the dealer's own employees, selling vehicles far from their relevant market area, and conducting almost constant off-premise sales, making it a part of their every-day business model, rather than a "special event" conducted periodically. These amendments are intended to control these excesses."

Since the enactment of those regulations, the Department has received complaints that certain businesses are obtaining dealer registrations at specific sites, but then conducting little or no business at such sites. Such businesses are not continuously maintaining a place of business, as required by section 78.3(d). Rather, such businesses create a shell dealership so that they may conduct off-premise sales, thereby, circumventing the restrictions in section 78.8.

This proposed regulation provides the Department with the necessary enforcement tools to suspend, revoke and/or impose civil penalties against dealers who violate the provisions related to off-premise sales or to deny the application for a dealer registration where such application manifests an intent to circumvent the off-premise sales regulations. A dealer would have the right to an administrative hearing prior to the imposition of any sanctions or penalties.

4. Costs:

a. to regulated parties: Dealers who are found at a hearing to have violated the Commissioner's regulations could be subject to a civil penalty, as set forth in Vehicle Traffic Law section 415(12).

b. cost to the State, the agency and local governments: This proposed rule will have no fiscal impact on the DMV. In addition, it will not impact local governments, since the regulation concerns the regulation of off-premise sales by dealers.

c. source: The Department's Office of Vehicle Safety provided this information.

5. Local government mandates: The proposed rule will not impact local governments, since it concerns the regulation of off-premise sales by dealers.

6. Paperwork: The proposed rule imposes no new paperwork requirements.

7. Duplication: This proposed regulation does not duplicate or conflict with any State or Federal rule.

8. Alternatives: The Department received complaints regarding circumvention of the off-premise sales regulations. Therefore, the Department believes it has no alternative but to seek enforcement action against dealers who violate the off-premise sales regulations and to deny applications for dealer registrations by parties who seek to circumvent such regulations.

9. Federal standards: The rule does not exceed any Federal standards.

10. Compliance schedule: The Department expects that all regulated parties will be in compliance upon adoption of the regulation.

Regulatory Flexibility Analysis

1. Effect of rule: There are currently over 11,800 dealers in New York State, the majority of which are small businesses. This proposed regulation would have no impact on local governments.

2. Compliance requirements: Dealers who violate the off-premise sales regulations, as set forth in Part 78.8, would be subject to suspension, revocation and/or civil penalties.

3. Professional services: This regulation would not require dealers to obtain new professional services.

4. Compliance costs: Dealers who are found at a hearing to have violated the Commissioner's regulations could be subject to a civil penalty, as set forth in Vehicle Traffic Law section 415(12).

5. Economic and technological feasibility: Not applicable.

6. Minimizing adverse impact: The Department received complaints regarding circumvention of the off-premise sales regulations. Therefore, the Department believes it has no alternative but to seek enforcement action against dealers who violate the off-premise sales regulations and to deny applications for dealer registrations by parties who seek to circumvent such regulations.

7. Small business and local government participation: See response to number 6 above.

8. Cure Period: If between the time of the violation and the hearing, the dealer cures the problem, the Department could consider withdrawing the charge, depending on the facts and circumstances and the severity of the violation.

Rural Area Flexibility Analysis and Job Impact Statement

A rural area flexibility analysis and a job impact statement are not required for this rulemaking proposal because it will not adversely affect rural areas or job creation.

This proposal concerns the enforcement of regulations governing off-premise sales by motor vehicle dealers. Due to its narrow focus, this rule will not impose an adverse economic impact on rural areas or on employment opportunities.

Office for People with Developmental Disabilities

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Site Based Prevocational Services Certification and Physical Plant Requirements

I.D. No. PDD-15-16-00002-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of section 635-7.5 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 13.07, 13.09(b), 16.00 and 16.05

Subject: Site Based Prevocational Services Certification and Physical Plant Requirements.

Purpose: To apply existing physical plant and certification requirements in OPWDD regulations to site based prevocational services.

Text of proposed rule: • Section 635-7.5 is amended as follows:

Section 635-7.5. Physical plant, environmental and certification requirements for *site based* day habilitation [sites] and for *site based prevocational services sites established on and after September 1, 2016*

- Subdivision 635-7.5(a) is amended as follows:

(a) Any building or space purchased or leased for the purpose of the delivery of day habilitation services or *site based prevocational services* through the home and community-based services (HCBS) waiver shall be certified pursuant to the requirements of section 16.05 of the Mental Hygiene Law.

- Subdivision 635-7.5(b) is amended as follows:

(b) The requirements associated with the [Certificate] *Certification of Need (CON)* application and approval process as set forth in Part 620 of this Title shall be applicable to any day habilitation site or *site based prevocational services site* for which an operating certificate will be issued pursuant to this section. [However, those day habilitation sites in operation as of June 7, 1995 will not be required to retroactively participate in the Certificate of Need process.]

- Subdivision 635-7.5(c) is amended as follows:

(c) An operating certificate for such building or space may only be issued to the entity that is also the authorized provider (section 635-10.1(b) of this Part) of the HCBS waiver day habilitation services (see section 635-10.4(b)(2) of this Part) or *site based prevocational services* (see section 635-10.4(k)) to be provided at the site.

- Subdivision 635-7.5(d) is amended as follows:

(d) The following physical plant requirements must be met for the certification of day habilitation sites or *site based prevocational service sites*:

Note: Existing paragraphs (1) - (3) remain unchanged.

Note: Existing subdivisions (e) and (f) remain unchanged.

- Subdivision 635-7.5(g) is amended as follows:

(g) When a day habilitation site or *site based prevocational services site* is financed with a Dormitory Authority of the State of New York (DASNY) loan granted pursuant to the provisions of Part 621 of this Title, the certificate holder shall, throughout the term of the loan:

(1) be the primary provider of day habilitation services or *site based prevocational services* at the site; and

(2) project and generate income or other receivables for such day habilitation services or *site based prevocational services* at the site, in the form of State reimbursement for such holder, in an amount adequate and sufficient to meet the amount of the monthly debt service payable under a DASNY loan obtained by it, or obtained jointly by it in conjunction with a related holding company as owner of the site, for the purposes of financing or refinancing capital costs associated with such site.

Text of proposed rule and any required statements and analyses may be obtained from: Office of Counsel, Bureau of Policy and Regulatory Affairs, Office for People With Developmental Disabilities (OPWDD), 44 Holland Avenue, 3rd Floor, Albany, NY 12229, (518) 474-7700, email: RAU.Unit@opwdd.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

Additional matter required by statute: Pursuant to the requirements of the State Environmental Quality Review Act, OPWDD, as lead agency, has determined that the action described herein will have no effect on the environment, and an E.I.S. is not needed.

Regulatory Impact Statement

1. Statutory authority:

a. OPWDD has the statutory responsibility to provide and encourage the provision of appropriate programs, supports, and services in the areas of care, treatment, habilitation, rehabilitation, and other education and training of persons with developmental disabilities, as stated in the New York State (NYS) Mental Hygiene Law Section 13.07.

b. OPWDD has the authority to adopt rules and regulations necessary and proper to implement any matter under its jurisdiction, as stated in the NYS Mental Hygiene Law Section 13.09(b).

c. OPWDD has the statutory authority to adopt regulations concerning the operation of programs and the provision of services, as stated in the NYS Mental Hygiene Law Section 16.00.

d. OPWDD has the authority to prescribe the terms and conditions for issuance of an operating certificate, as stated in the NYS Mental Hygiene Law Section 16.05.

2. Legislative objectives: The proposed regulations further the legisla-

tive objectives embodied in sections 13.07, 13.09(b), 16.00, and 16.05 of the Mental Hygiene Law. The proposed regulations apply existing physical plant, environmental and certification requirements in OPWDD regulations to site based prevocational services.

3. Needs and benefits: Existing regulations in 14 NYCRR section 635-7.5 delineate physical plant, environmental and certification requirements for day habilitation sites. The proposed amendments expand applicability of these requirements to site based prevocational services.

Site based prevocational services are prevocational services that are provided in non-residential settings that are certified by OPWDD. In order to ensure that these services are certified and delivered in settings that are compliant with OPWDD requirements, OPWDD considers it is necessary to expand applicability of existing regulations on physical plant, environmental and certification of site based day habilitation to apply to site based prevocational services. OPWDD has determined that the existing regulations for site based day habilitation are appropriate for site based prevocational services.

The proposed regulations explicitly require the following: 1) that site based prevocational services be certified pursuant to section 16.05 of the Mental Hygiene Law; 2) that the Certification of Need (CON) process specified in Part 620 of existing OPWDD regulations be applied to site based prevocational services; 3) that the operating certificate for settings used for site based prevocational services only be issued to the entity that is also the authorized provider of the service; and 4) that site based prevocational services be delivered in settings that are in compliance with the existing physical plant requirements for site based day habilitation. Compliance with these requirements will promote individuals' safety and quality of life while receiving site based prevocational services.

4. Costs:

- a. Costs to the Agency and to the State and its local governments:

The proposed amendments may result in nominal costs to the State in its role paying for Medicaid as providers may seek additional Medicaid funding to comply with existing CON process requirements or to adapt space designated for site based prevocational services to be compliant with the new requirements. OPWDD cannot quantify such costs as it cannot anticipate whether adaptations need to be made until providers make requests for funding. However, OPWDD expects that providers will utilize existing OPWDD-certified space used to deliver other day services, to deliver site based prevocational services. Such space is required to be in compliance with the existing OPWDD environmental and physical plant requirements for site based day habilitation that are now being applied to site based prevocational services. OPWDD expects that any nominal cost increase to comply with existing CON process requirements will be easily absorbed by providers' reimbursement for administrative costs.

Even if the proposed amendments lead to an increase in Medicaid expenditures in a particular county, these amendments will not have any fiscal impact on local governments, as the contribution of local governments to Medicaid has been capped. Chapter 58 of the Laws of 2005 places a cap on the local share of Medicaid costs and local governments are already paying for Medicaid at the capped level.

The proposed amendments may result in nominal costs to OPWDD as a provider of site based prevocational services. As stated above, it is expected that any nominal cost increase to comply with existing CON process requirements will be easily absorbed by providers' reimbursement for administrative costs. Additionally, it is expected that providers will utilize existing OPWDD-certified space used to deliver other day services, to deliver site based prevocational services and such space is already in compliance with the existing OPWDD environmental and physical plant requirements.

- b. Costs to private regulated parties:

The proposed amendments may result in nominal costs to providers of site based prevocational services. As stated above, OPWDD expects that any nominal cost increase to comply with existing CON process requirements will be easily absorbed by providers' reimbursement for administrative costs. Additionally, OPWDD expects that providers will utilize existing OPWDD-certified space used to deliver other day services, to deliver site based prevocational services. Providers may request additional Medicaid funding to cover costs necessary to adapt new space designated for site based prevocational services to be compliant with the new requirements. OPWDD cannot quantify such costs as it cannot anticipate whether adaptations need to be made until providers make requests for funding.

5. Local government mandates: There are no new requirements imposed by the rule on any county, city, town, village; or school, fire, or other special district.

6. Paperwork: The proposed regulations will result in some additional paperwork for providers of site based prevocational services to comply with existing CON process requirements in OPWDD's Part 620 regulations. However, these paperwork requirements are necessary to ensure proper use of federal and State Medicaid funds.

7. Duplication: The proposed regulations do not duplicate any existing State or Federal requirements that are applicable to these services.

8. Alternatives: OPWDD considered not certifying and regulating space for site based prevocational services, but determined that regulations, particularly environmental and physical plant requirements, are in the best interests of individuals receiving services.

9. Federal standards: The proposed amendments do not exceed any minimum standards of the federal government for the same or similar subject areas.

10. Compliance schedule: OPWDD intends to adopt the proposed amendments as soon as possible within the time frames mandated by the State Administrative Procedure Act. The effective date of these regulations is September 1, 2016. This allows providers time to prepare for compliance with applicable requirements.

Regulatory Flexibility Analysis

1. Effect on Small Business: OPWDD has determined, through a review of the certified cost reports, that most OPWDD-funded services are provided by non-profit agencies which employ more than 100 people overall. However, some smaller agencies which employ fewer than 100 employees overall would be classified as small businesses. Currently, there are 82 providers of prevocational services, some of whom may wish to provide site based prevocational services. OPWDD is unable to estimate the portion of these agencies that may be considered to be small businesses.

The proposed amendments have been reviewed by OPWDD in light of their impact on small businesses. The proposed amendments apply existing physical plant, environmental and certification requirements in OPWDD regulations to site based prevocational services.

2. Compliance Requirements: The proposed amendments will impose compliance requirements on providers of site based prevocational services. Providers will be responsible for 1) complying with the Certification of Need (CON) process specified in Part 620 of existing OPWDD regulations, and 2) for complying with physical plant requirements in Section 635-7.5.

OPWDD considers that compliance with these requirements will promote individuals' safety and quality of life while receiving site based prevocational services, and that compliance is necessary to ensure the proper use of federal and state public funds. OPWDD expects that providers are likely to utilize existing OPWDD-certified space used to deliver other day services, to deliver site based prevocational services. Such space is required to be in compliance with the existing OPWDD environmental and physical plant requirements for site based day habilitation that are now being applied to site based prevocational services. However, if providers are not already in compliance, the effective date of the regulations is prolonged to give providers adequate time to prepare for compliance with applicable requirements. Consequently, OPWDD does not expect that these requirements will be burdensome for providers.

The amendments will have no effect on local governments.

3. Professional Services: There are no additional professional services required as a result of these amendments and the amendments will not add to the professional service needs of local governments.

4. Compliance Costs: The proposed amendments may result in nominal costs to providers of site based prevocational services to comply with existing CON process requirements or to adapt space designated for site based prevocational services to be compliant with the new requirements. However, OPWDD expects that any nominal cost increase to comply with existing CON process requirements will be easily absorbed by providers' reimbursement for administrative costs. Additionally, as stated above, OPWDD expects that providers will utilize existing OPWDD-certified space used to deliver other day services, to deliver site based prevocational services. Such space is required to be in compliance with the existing OPWDD environmental and physical plant requirements for site based day habilitation that are now being applied to site based prevocational services.

If new space needs to be adapted to comply with the new requirements, providers may make a request to OPWDD for additional Medicaid funding to cover any necessary compliance costs. OPWDD cannot quantify such costs as it cannot anticipate whether adaptations need to be made until providers make requests for funding. OPWDD does not expect costs to vary for providers that are small businesses or for local governments of different types and sizes.

5. Economic and Technological Feasibility: The proposed amendments do not impose the use of any new technological processes on regulated parties.

6. Minimizing Adverse Impact: The purpose of these proposed amendments is to establish requirements for the certification and regulation of site based prevocational services settings. The amendments apply existing certification, environmental and physical plant requirements for site based day habilitation, to site based prevocational services. There may be nominal costs to all providers, including small business providers, as stated above in the section on compliance costs; however, OPWDD does not

expect that such costs will result in an adverse impact to providers, and if providers do experience significant costs, providers may make a request to OPWDD for additional funding.

OPWDD has reviewed and considered the approaches for minimizing adverse economic impact as suggested in section 202-b(1) of the State Administrative Procedure Act (SAPA). However, since the documentation, quality standards and other compliance provisions in the amendments are needed to ensure the proper use of federal and state public funds, OPWDD did not establish different compliance, reporting requirements or timetables on small business providers or local governments or exempt small business providers or local governments from these requirements and timetables.

7. Small Business Participation: The proposed regulations were discussed with representatives of providers, including providers who have fewer than 100 employees, on December 14, 2015. The regulations were also discussed on a conference call with the Developmental Disability Advisory Council Employment Subcommittee on December 14, 2015, and on a conference call with providers of supported employment services on December 15, 2015. OPWDD also plans to inform all providers, including small business providers, of the proposed amendments approximately three months in advance of their scheduled effective date.

8. (IF APPLICABLE) For rules that either establish or modify a violation or penalties associated with a violation: The proposed amendments do not establish or modify a violation or penalties associated with a violation.

Rural Area Flexibility Analysis

1. Description of the types and estimation of the number of rural areas in which the rule will apply: OPWDD services are provided in every county in New York State. 43 counties have a population of less than 200,000: Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Montgomery, Ontario, Orleans, Oswego, Otsego, Putnam, Rensselaer, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Seneca, Steuben, Sullivan, Tioga, Tompkins, Ulster, Warren, Washington, Wayne, Wyoming and Yates. 10 counties with certain townships have a population density of 150 persons or less per square mile: Albany, Broome, Dutchess, Erie, Monroe, Niagara, Oneida, Onondaga, Orange and Saratoga.

The proposed amendments have been reviewed by OPWDD in light of their impact on entities in rural areas. The proposed amendments apply existing physical plant, environmental and certification requirements in OPWDD regulations to site based prevocational services.

2. Compliance requirements: The proposed amendments will impose compliance requirements on providers of site based prevocational services. Providers will be responsible for 1) complying with the Certification of Need (CON) process specified in Part 620 of existing OPWDD regulations, and 2) for delivering site based prevocational services in settings that are in compliance with the existing physical plant requirements for site based day habilitation.

OPWDD considers that compliance with these requirements will promote individuals' safety and quality of life while receiving site based prevocational services, and that compliance is necessary to ensure the proper use of federal and state public funds. OPWDD expects that providers are likely to utilize existing OPWDD certified space used to deliver other day services, to deliver site based prevocational services. Such space is already likely to be in compliance with the existing OPWDD environmental and physical plant requirements for site based day habilitation that are now being applied to site based prevocational services. However, the effective date of the regulations is prolonged to give providers adequate time to prepare for compliance with applicable requirements. Consequently, OPWDD does not expect that these requirements will be burdensome for providers.

The amendments will have no effect on local governments.

3. Professional services: There are no additional professional services required as a result of these amendments and the amendments will not add to the professional service needs of local governments.

4. Compliance costs: The proposed amendments may result in nominal costs to providers of site based prevocational services to comply with existing CON process requirements or to adapt space designated for site based prevocational services to be compliant with the new requirements. However, OPWDD expects that any nominal cost increase to comply with existing CON process requirements will be easily absorbed by providers' reimbursement for administrative costs. Additionally, as stated above, OPWDD expects that providers will utilize existing OPWDD certified space used to deliver other day services, to deliver site based prevocational services. Such space is already likely to be in compliance with the existing OPWDD environmental and physical plant requirements for site based day habilitation that are now being applied to site based prevocational services.

If space needs to be adapted to comply with the new requirements,

providers may make a request to OPWDD for additional Medicaid funding to cover any necessary compliance costs. OPWDD cannot quantify such costs as it cannot anticipate whether adaptations need to be made until providers make requests for funding. OPWDD does not expect costs to vary for providers in rural areas or for local governments of different types and sizes.

5. Minimizing adverse economic impact: The purpose of these proposed amendments is to establish requirements for the certification and regulation of site based prevocational services settings. The amendments apply existing certification, environmental and physical plant requirements for site based day habilitation, to site based prevocational services. There may be nominal costs to all providers, including providers in rural areas, as stated above in the section on compliance costs; however, OPWDD does not expect that such costs will result in an adverse impact to providers, and if providers do experience significant costs, providers may make a request to OPWDD for additional funding.

OPWDD has reviewed and considered the approaches for minimizing adverse economic impact as suggested in section 202-bb(2)(b) of the State Administrative Procedure Act (SAPA). However, since the documentation, quality standards and other compliance provisions in the amendments are needed to ensure the proper use of federal and state public funds, OPWDD did not establish different compliance, reporting requirements or timetables on providers in rural areas or local governments or exempt providers in rural areas or local governments from these requirements and timetables.

6. Participation of public and private interests in rural areas: The proposed regulations were discussed with representatives of providers, including providers in rural areas, on December 14, 2015. The regulations were also discussed with providers on two conference calls that occurred on December 14 and 15 of 2015. OPWDD also plans to inform all providers, including providers in rural areas, of the proposed amendments approximately three months in advance of their scheduled effective date.

Job Impact Statement

OPWDD is not submitting a Job Impact Statement for this proposed rulemaking because this rulemaking will not have a substantial adverse impact on jobs or employment opportunities.

The proposed amendments apply existing physical plant, environmental and certification requirements in OPWDD regulations to site based prevocational services. Providers may incur nominal costs to comply with existing Certification of Need (CON) process requirements in Part 620 of OPWDD regulations or to adapt new space designated for site based prevocational services to be in compliance with the new requirements. However, OPWDD does not anticipate that additional staff will be needed to implement the amendments as the amendments are primarily concerning requirements for the physical setting in which the service is provided. Further, the additional workload to comply with the CON process will likely be absorbed by existing staff. Consequently, these amendments will not have an adverse impact on jobs or employment opportunities. Conversely, if new staff are needed to implement the proposed amendments then the amendments will have a positive impact on jobs or employment opportunities.

Power Authority of the State of New York

NOTICE OF ADOPTION

Rates for the Sale of Power and Energy

I.D. No. PAS-42-15-00004-A

Filing Date: 2016-03-29

Effective Date: 2016-03-29

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Decrease in the Fixed Costs Component of the Production Rates.

Statutory authority: Public Authorities Law, sections 1005, 3rd undesignated paragraph and 1005(6)

Subject: Rates for the Sale of Power and Energy.

Purpose: To Recover the Authority's Fixed Costs.

Substance of final rule: The Power Authority's Notice of Proposed Rulemaking published October 21, 2015, proposed to decrease the Fixed

Costs component of the production rates by 2.8% to be charged to the New York City Governmental Customers ("Customers"). Comments on the proposal were received from the Customers. Based on those comments and further analysis by staff, the Authority determined that the Fixed Costs component of the production rates should be decreased by 3.6%. This decrease is greater than that proposed in the Notice of Proposed Rulemaking. The new rates will be effective commencing with the March 2016 billing period.

Final rule as compared with last published rule: Substantive revisions were made in First Part.

Text of rule and any required statements and analyses may be obtained from: Karen Delince, Corporate Secretary, Power Authority of the State of New York, 123 Main Street - 11-P, White Plains, New York 10601, (914) 390-8085, email: karen.delince@nypa.gov

Revised Regulatory Impact Statement

A revised regulatory impact statement is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

Revised Regulatory Flexibility Analysis

A revised regulatory flexibility analysis is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

Revised Rural Area Flexibility Analysis

A revised rural area flexibility analysis is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

Revised Job Impact Statement

A revised job impact statement is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

NOTICE OF ADOPTION

Rates for the Sale of Power and Energy

I.D. No. PAS-42-15-00005-A

Filing Date: 2016-03-29

Effective Date: 2016-03-29

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Decrease in Production Rates.

Statutory authority: Public Authorities Law, sections 1005, 3rd undesignated paragraph and 1005(6)

Subject: Rates for the Sale of Power and Energy.

Purpose: To Align Rates and Costs.

Substance of final rule: The Power Authority's Notice of Proposed Rulemaking published October 21, 2015, proposed to increase the production rates of its Westchester County Governmental Customers by 10.64%. Based on further analysis by staff, the Authority determined that the production rates should be decreased by 2.37%. The new production rates will be effective commencing with the March 2016 billing period.

Final rule as compared with last published rule: Substantive revisions were made in First Part.

Text of rule and any required statements and analyses may be obtained from: Karen Delince, Corporate Secretary, Power Authority of the State of New York, 123 Main Street - 11P, White Plains, New York 10601, (914) 390-8085, email: karen.delince@nypa.gov

Revised Regulatory Impact Statement

A revised regulatory impact statement is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

Revised Regulatory Flexibility Analysis

A revised regulatory flexibility analysis is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

Revised Rural Area Flexibility Analysis

A revised rural area flexibility analysis is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

Revised Job Impact Statement

A revised job impact statement is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

Public Service Commission

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-19-15-00015-A

Filing Date: 2016-03-24

Effective Date: 2016-03-24

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 3/17/16, the PSC adopted an order approving Hudson CBD Flatbush LLC (Hudson CBD) to submeter electricity at 626 Flatbush Avenue, Brooklyn, New York.

Statutory authority: Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4), (12) and (14)

Subject: Submetering of electricity.

Purpose: To approve Hudson CBD to submeter electricity at 626 Flatbush Avenue, Brooklyn, New York.

Substance of final rule: The Commission, on March 17, 2016, adopted an order approving Hudson CBD Flatbush LLC to submeter electricity at 626 Flatbush Avenue, Brooklyn, New York, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0234SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-29-15-00022-A

Filing Date: 2016-03-24

Effective Date: 2016-03-24

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 3/17/16, the PSC adopted an order approving 92nd and 3rd Associates, LLC (92nd and 3rd Associates) to submeter electricity at 205 E. 92nd Street, New York, New York.

Statutory authority: Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4), (12) and (14)

Subject: Submetering of electricity.

Purpose: To approve 92nd and 3rd Associates to submeter electricity at 205 E. 92nd Street, New York, New York.

Substance of final rule: The Commission, on March 17, 2016, adopted an order approving 92nd and 3rd Associates, LLC to submeter electricity at 205 E. 92nd Street, New York, New York, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-

2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0378SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-34-15-00014-A

Filing Date: 2016-03-24

Effective Date: 2016-03-24

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 3/17/16, the PSC adopted an order approving Herkimer Street Residence, L.P. (Herkimer) to submeter electricity at 437 Herkimer Street, Brooklyn, New York.

Statutory authority: Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4), (12) and (14)

Subject: Submetering of electricity.

Purpose: To approve Herkimer to submeter electricity at 437 Herkimer Street, Brooklyn, New York.

Substance of final rule: The Commission, on March 17, 2016, adopted an order approving Herkimer Street Residence, L.P. to submeter electricity at 437 Herkimer Street, Brooklyn, New York, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0438SA1)

NOTICE OF ADOPTION

Tariff Amendments to Establish a Financing Option for Its Programs Contained in P.S.C. No. 8 — Gas

I.D. No. PSC-52-15-00013-A

Filing Date: 2016-03-23

Effective Date: 2016-03-23

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 3/17/16, the PSC adopted an order approving National Fuel Gas Distribution Corporation's (National Fuel) tariff amendments to establish a third-party financing option for its programs contained in P.S.C. No. 8 — Gas.

Statutory authority: Public Service Law, section 66(12)

Subject: Tariff amendments to establish a financing option for its programs contained in P.S.C. No. 8 — Gas.

Purpose: To approve National Fuel's tariff amendments to P.S.C. No. 8 — Gas.

Substance of final rule: The Commission, on March 17, 2016, adopted an order approving National Fuel Gas Distribution Corporation's tariff amendments to establish a third-party financing option for its Distributed Generations, Natural Gas Vehicle and Partnership to Revitalize the Industrial Manufacturing Economy of Western New York Programs contained in P.S.C. No. 8 — Gas, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social

security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(14-G-0551SA2)

NOTICE OF ADOPTION

Tariff Amendments to P.S.C. No. 3 — Electricity, General Information Section 7

I.D. No. PSC-02-16-00011-A

Filing Date: 2016-03-23

Effective Date: 2016-03-23

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 3/17/16, the PSC adopted an order approving Orange and Rockland Utilities, Inc.'s (O&R) tariff amendments to modify P.S.C. No. 3 — Electricity, General Information Section 7 — Metering and Billing to clarify Home Energy Fair Practices Act (HEFPA).

Statutory authority: Public Service Law, sections 39, 47 and 66(12)

Subject: Tariff amendments to P.S.C. No. 3 — Electricity, General Information Section 7.

Purpose: To approve O&R's tariff amendments to P.S.C. No. 3 — Electricity, General Information Section 7.

Substance of final rule: The Commission, on March 17, 2016, adopted an order approving Orange and Rockland Utilities, Inc.'s tariff amendments to modify P.S.C. No. 3 — Electricity, General Information Section 7 — Metering and Billing to clarify Home Energy Fair Practices Act requirements related to court orders for gaining access to meters, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0754SA1)

NOTICE OF ADOPTION

Tariff Amendments to P.S.C. No. 4 — Gas, General Information Section 6

I.D. No. PSC-02-16-00013-A

Filing Date: 2016-03-23

Effective Date: 2016-03-23

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 3/17/16, the PSC adopted an order approving Orange and Rockland Utilities, Inc.'s (O&R) tariff amendments to modify P.S.C. No. 4 — Gas, General Information Section 6 — Metering and Billing to clarify Home Energy Fair Practices Act (HEFPA).

Statutory authority: Public Service Law, sections 39, 47 and 66(12)

Subject: Tariff amendments to P.S.C. No. 4 — Gas, General Information Section 6.

Purpose: To approve O&R's tariff amendments to P.S.C. No. 4 — Gas, General Information Section 6.

Substance of final rule: The Commission, on March 17, 2016, adopted an order approving Orange and Rockland Utilities, Inc.'s tariff amendments to modify P.S.C. No. 4 — Gas, General Information Section 6 — Metering and Billing to clarify Home Energy Fair Practices Act requirements related to court orders for gaining access to meters, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

tion, Three Empire State Plaza, Albany, New York 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-G-0755SA1)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

Proposed Financial Incentives for Projects Undertaken Through the Targeted Demand Management Program

I.D. No. PSC-15-16-00010-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering a proposal by Consolidated Edison Company of New York, Inc. to establish a financial incentive for projects undertaken through its Targeted Demand Management program.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Proposed financial incentives for projects undertaken through the Targeted Demand Management program.

Purpose: To consider financial incentives for projects undertaken through the Targeted Demand Management program.

Substance of proposed rule: The Public Service Commission is considering a proposal by Consolidated Edison Company of New York, Inc. (Company) to establish financial incentives for projects undertaken through the Targeted Demand Management program, in compliance with the Commission's Order Implementing with Modification the Targeted Demand Management Program, Cost Recovery, and Incentives, issued December 17, 2015 in Case 15-E-0229. The Company proposes similar, but separate, financial incentives for projects undertaken at or above 69 kilovolts and projects below such voltage level, based on retaining a share of the net savings of deferring traditional utility infrastructure using a portfolio of customer-sided solutions. The proposed filing does not have an effective date. The Commission may approve, modify or reject, in whole or in part, the Company's petition and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0229SP2)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

Transfer of Certain Cable Television Facilities and Franchises from SCCC to Zito New York, LLC

I.D. No. PSC-15-16-00011-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering a joint petition filed by Zito New York, LLC to acquire certain cable television facilities and franchises from Southern Cayuga County Cablevision, LLC (SCCC).

Statutory authority: Public Service Law, section 222

Subject: Transfer of certain cable television facilities and franchises from SCCC to Zito New York, LLC.

Purpose: To consider the transfer of certain cable television facilities and franchises from SCCC to Zito New York, LLC.

Substance of proposed rule: The Public Service Commission is considering a joint petition filed by Zito New York, LLC (DE) and Southern Cayuga County Cablevision, LLC (NY) for approval of transfer of control of cable television system franchises, certificates and facilities in the Towns of Moravia, Genoa, and Locke, and the Village of Moravia, in Cayuga County, New York pursuant to Public Service Law § 222. The Commission may approve, modify or reject, in whole or in part, the relief proposed and may resolved related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-V-0185SP1)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

Adequate Service of Verizon New York, Inc.

I.D. No. PSC-15-16-00012-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering the adequacy of Verizon New York Inc.'s service quality and may take necessary actions as warranted.

Statutory authority: Public Service Law, sections 96(1) and 98

Subject: Adequate service of Verizon New York, Inc.

Purpose: To consider the adequacy of Verizon New York Inc.'s service quality.

Substance of proposed rule: The Commission is considering, pursuant to Public Service Law (PSL) § 96(1) whether the service quality provided by Verizon New York Inc. to customers is adequate, and if it is not, whether remedial action should be ordered to improve the company's service quality pursuant to PSL § 98. The Commission may take other such related actions as warranted.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: John.Pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-C-0122SP1)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

Waiver of Certain Commission Requirements Related to the Distribution of Telephone Directories

I.D. No. PSC-15-16-00013-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering a petition by Verizon New York Inc. for an additional waiver of 16 NYCRR 602.10(b) pertaining to distribution of telephone directories.

Statutory authority: Public Service Law, section 94(2)

Subject: Waiver of certain Commission requirements related to the distribution of telephone directories.

Purpose: To consider a waiver of certain Commission requirements related to the distribution of telephone directories.

Substance of proposed rule: The Public Service Commission is considering a petition filed by Verizon New York Inc. for an additional waiver of 16 NYCRR § 602.10(b) pertaining to the distribution of telephone directories to all customers. This request would extend the waiver granted by the Commission in 2010 with respect to residential white pages directories. If granted, Verizon would distribute directories "on demand" to customers who request one. The Commission may approve, modify or reject, in whole or in part, the relief proposed and may resolved related matters. The Commission may, in its discretion, extend such waiver to other telephone corporations in New York.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-C-0186SP1)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

Establishment of SC No. 7—Purchase of Renewable Energy from New Distributed Generators

I.D. No. PSC-15-16-00014-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering a proposal by the Village of Westfield to establish Service Classification (SC) No. 7—Purchase of Renewable Energy from New Distributed Generators in its tariff schedule, P.S.C. No. 1—Electricity.

Statutory authority: Public Service Law, sections 5(b), 65 and 66

Subject: Establishment of SC No. 7—Purchase of Renewable Energy from New Distributed Generators.

Purpose: To consider the establishment of SC No. 7—Purchase of Renewable Energy from New Distributed Generators.

Substance of proposed rule: The Public Service Commission is considering a proposal filed by the Village of Westfield (Westfield) to amend its tariff schedule, P.S.C. No. 1 – Electricity. Westfield proposes to establish Service Classification (SC) No. 7 – Purchase of Renewable Energy from New Distributed Generators, to set the rates, terms, and conditions under which Westfield will purchase the output from customer owned solar and wind generating equipment. Westfield also proposes an Interconnection Agreement that relates solely to the conditions under which Westfield and the customer agree that the generating unit may be considered for grant funding pursuant to the New York Power Authority's Municipal or Rural Electric System Cooperative Solar PV Incentive Program. The Commission may adopt, reject, or modify, in whole or in part, the relief proposed herein and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-E-0178SP1)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

Notice of Intent to Submeter Electricity

I.D. No. PSC-15-16-00015-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Public Service Commission is considering the Notice of Intent, filed by IGI-GGP Renwick LLC, to submeter electricity at 15 Renwick Street, New York, New York.

Statutory authority: Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4), (12) and (14)

Subject: Notice of Intent to submeter electricity.

Purpose: To consider the Notice of Intent of IGI-GGP Renwick LLC to submeter electricity at 15 Renwick Street, New York, New York.

Substance of proposed rule: The Commission is considering the Notice of Intent, filed by IGI-GGP Renwick LLC on March 9, 2016, to submeter electricity at 15 Renwick Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-E-0136SP1)

Department of State

**EMERGENCY/PROPOSED
RULE MAKING
NO HEARING(S) SCHEDULED**

Educational Standards and Requirements for Nail Trainees

I.D. No. DOS-15-16-00017-EP

Filing No. 356

Filing Date: 2016-03-29

Effective Date: 2016-03-29

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Proposed Action: Addition of section 162.6 and Part 163 to Title 19 NYCRR.

Statutory authority: General Business Law, sections 402(5) and 404; Executive Law, section 91

Finding of necessity for emergency rule: Preservation of public health, public safety and general welfare.

Specific reasons underlying the finding of necessity: The Department of State ("Department") is charged with, among other things, the enforcement of General Business Law (GBL) Article 27, which relates to the appearance enhancement industry. A principal purpose behind the enactment of Article 27 was to provide a system of licensure of appearance enhancement businesses and operators that would allow for the flexibility in the establishment of regulated services and while establishing measures to protect both appearance enhancement practitioners and consumers of appearance enhancement services. The Department is generally empowered to issue regulations to achieve such intent by GBL § 402(5). Moreover, GBL § 404 explicitly provides that in order to ensure the health, safety and welfare of the public, the Secretary of State must promulgate rules establishing a minimum standard of training, inclusive of education, for appearance enhancement practitioners.

Chapter 80 of the Laws of 2015, which became effective in pertinent part on July 16, 2015, amended the article to include the new registration status of "nail specialist trainee." A nail specialist trainee is authorized to engage in the practice of nail specialty under the direct supervision and tutelage of a licensed nail practitioner. Nail trainees come into direct contact with members of the public immediately upon the commencement of their training period. It is critical that they have access to education in order to ensure safe practice. The immediate adoption of regulations to establish a course of study to be made available by sanctioned education entities is thus necessitated as a matter of public health, safety and welfare.

Subject: Educational standards and requirements for nail trainees.

Purpose: To expeditiously make available a course of study for nail trainees.

Substance of emergency/proposed rule (Full text is posted at the following State website: <http://www.dos.state.ny.us/licensing/nails/traineeschools.pdf>): Article 27 of the General Business Law (GBL) generally provides for the licensure and regulation of appearance enhancement businesses and practitioners, including nail specialists, natural hair stylists, estheticians and cosmetologists. Chapter 80 of the Laws of 2015, effective in pertinent part on July 16, 2015, amended the article to include the new registration status of "nail specialist trainee." A nail specialist trainee is authorized to engage in the practice of nail specialty under the direct supervision and tutelage of a licensed nail practitioner. A registered trainee may acquire licensure as a nail specialist upon demonstrating that he or she has been actively engaged in a traineeship for a period of one year and has completed a course of study set forth by the secretary.

As required by GBL § 404, in order to ensure the health, safety and welfare of the public, the Secretary of State must promulgate rules establishing a minimum standard of training for nail trainees inclusive of educational requirements. This rule sets forth a course of study to be provided by sanctioned entities. A substantial number of trainees have been registered and are engaged in the practice of nail specialty. Access to a course of study sanctioned by the Department will afford them and new trainees immediate access to critical information regarding safe and sanitary practice and facilitate licensure.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire June 26, 2016.

Text of rule and any required statements and analyses may be obtained from: David Mossberg, Esq., NYS Department of State, 123 William Street, 20th Fl., New York, NY 10038, (212) 407-2063, email: david.mossberg@dos.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement

1. Statutory authority:

Article 27 of the General Business Law (GBL) generally provides for the licensure and regulation of appearance enhancement practitioners, including nail specialists, natural hair stylists, estheticians and cosmetologists. Chapter 80 of the Laws of 2015, which became effective in pertinent part on July 16, 2015, amended Article 27 to include the new registration status of "nail specialist trainee." A nail specialist trainee is authorized to engage in the practice of nail specialty under the direct supervision and tutelage of a licensed nail practitioner. A registered trainee may acquire licensure as a nail specialist upon demonstrating that he or she has been actively engaged in a traineeship for a period of one year and has completed a course of study set forth by the secretary.

As required by GBL § 404, in order to ensure the health, safety and welfare of the public, the Secretary of State must promulgate rules establishing a minimum standard of training for nail trainees, including educational requirements. This rule sets forth a course of study to be provided by sanctioned entities. A substantial number of trainees have

been registered and are engaged in the practice of nail specialty. Access to a course of study sanctioned by the Department will afford all trainees immediate access to critical information regarding safe and sanitary practice and will facilitate licensure.

2. Legislative objectives:

The training of nail trainees, and of appearance enhancement practitioners generally, has been declared by the legislature to be a matter of public health and safety. Accordingly, the Secretary of State is required to promulgate rules establishing a minimum standard of training and education. This rule is consistent with such mandate.

3. Needs and benefits:

The delivery of competent nail services to consumers is a matter of public health and safety. Education plays a critical role in the development of a nail trainee's competency and skillsets. This rule provides access to such education by setting forth a required course of study and providing a means for its delivery by educational entities. Moreover, the availability of the education required for licensure of trainees as nail practitioners will provide economic opportunities for both individuals and businesses.

4. Costs:

a. Costs to regulated parties:

Some students may incur tuition costs for the required course. The Department has been advised that there are several trade organizations, public advocacy organizations and public institutions which will seek approval to provide instruction for little or no cost to students. Traditional providers seeking approval may charge between \$260.00 and \$300.00 for the full 26 hours or approximately \$10.00 per credit hour based on industry standards.

Entities seeking approval to provide the nail trainee curriculum, subject to an exemption, will pay an annual registration fee and possible location fee.

Instructors seeking approval will be required to pay a one-time fee of \$25.00.

b. Costs to the state and local governments:

The rule does not impose any costs to the agency, the state or local governments.

c. Methodology:

The estimate of costs was derived following a survey of the existing and likely educational entities.

5. Local government mandates:

The rule does not impose any program, service, duty or responsibility upon any county, city, town, village, school district or other special district.

6. Paperwork:

Nail trainee applicants for the nail practitioner license will be required to complete the required curriculum at an approved school. The rule does not impose any reporting, record keeping or other compliance requirement on applicants.

Entities that wish to provide the nail trainee curriculum must complete applications, obtain approval from the Department, and maintain records associated with the delivery of course content to students.

7. Duplication:

This rule does not duplicate, overlap or conflict with any other state or federal requirement.

8. Alternatives:

The proposal is for the establishment of a curriculum totaling 26 hours. The Department of State, the Appearance Enhancement Advisory Committee and the Education Department considered whether additional hours were required. However, in light of the direct supervision and tutelage afforded by licensed practitioners to trainees, it was determined that 26 hours would be sufficient.

9. Federal standards:

There are no federal standards relating to this rule.

10. Compliance schedule:

The rule will be effective immediately; it is anticipated that schools will provide courses shortly thereafter.

Regulatory Flexibility Analysis

1. Effect of rule:

The rule sets forth a course of study to be provided by sanctioned entities to nail trainees. The availability of the education required for licensure of trainees as nail practitioners will provide economic opportunities for both individuals and education providers.

The rule does not impact local government.

2. Compliance requirements:

Nail trainee applicants for the nail practitioner license will be required to complete the required curriculum at an approved school. The rule does not impose any reporting, record keeping or other compliance requirement on applicants.

Entities that wish to provide the nail trainee curriculum must complete applications, obtain approval from the Department, and maintain records associated with the delivery of course content to students.

The rule does not impose any compliance requirements on local governments.

3. Professional services:

Educational providers will require instructors to deliver course content.

4. Compliance costs:

Some students may incur tuition costs for the required course. The Department has been advised that there are several trade organizations, public advocacy organizations and public institutions which will seek approval to provide instruction for little or no cost to students. Traditional providers seeking approval may charge between \$260.00 and \$300.00 for the full 26 hours or approximately \$10.00 per credit hour based on industry standards.

Entities seeking approval to provide the nail trainee curriculum, subject to an exemption, will pay an annual registration fee and possible location fee.

Instructors seeking approval will be required to pay a one-time fee of \$25.00.

5. Economic and technological feasibility:

Nail trainees seeking licensure as nail specialists must complete the 26-hour curriculum. The estimated compliance costs suggest that it will be economically feasible for applicants to comply with this rule. The rule does not impose any technology requirements on applicants or local governments.

6. Minimizing adverse economic impact:

The rule does not adversely impact small businesses or local governments.

7. Small business participation:

The members of the Department's Appearance Enhancement Advisory Committee, many of whom operate small businesses, participated in the development of the curriculum.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

This rule will apply uniformly throughout the state.

2. Reporting, recordkeeping and other compliance requirements:

Applicants who live in rural areas, like all other nail trainee applicants for the nail practitioner license, will be required to complete the required curriculum at an approved school. The rule does not impose any reporting, record keeping or other compliance requirements on applicants.

Entities that wish to provide the nail trainee curriculum must complete applications, obtain approval from the Department, and maintain records associated with the delivery of course content to students.

3. Costs:

Some students may incur tuition costs for the required course. The Department has been advised that there are several trade organizations, public advocacy organizations and public institutions which will seek approval to provide instruction for little or no cost to students. Traditional providers seeking approval may charge between \$260.00 and \$300.00 for the full 26 hours, or approximately \$10.00 per credit hour based on industry standards.

Entities seeking approval to provide the nail trainee curriculum, subject to an exemption, will pay an annual registration fee and a possible location fee.

Instructors seeking approval will be required to pay a 1 time fee of \$25.00.

4. Minimizing adverse economic impacts:

The rule does not adversely impact any rural area.

5. Rural area participation:

Comments have been solicited from trade associations and schools, including those from rural areas.

Job Impact Statement

1. Impact of the rule

The rule will facilitate the progression of a nail trainee into a nail practitioner with fully licensed occupational status. Access to a larger population of competent practitioners should spur growth in the nail salon industry. Finally, motivated, entrepreneurial nail practitioners may seek to open new businesses.

2. Categories and numbers affected

This rule will lead to increased lawful employment of nail practitioners. Since July 16, 2015, when Chapter 80 of the Laws of 2015 became effective, the Department has registered approximately 1886 nail trainees. It is anticipated that a substantial majority of these trainees will progress to full licensed status and be absorbed into the industry.

3. Regions of adverse impact

The Department has not identified any region of the state where the rule would have a disproportionate adverse impact on jobs or employment opportunities. Licensees work in all areas of the state.

4. Minimizing adverse impact

The Department has not identified any adverse impacts of this rule on employment or employment opportunities.

State University of New York

NOTICE OF ADOPTION

University Faculty Senate**I.D. No.** SUN-05-16-00001-A**Filing No.** 354**Filing Date:** 2016-03-28**Effective Date:** 2016-04-13

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of sections 331.8 and 331.9 of Title 8 NYCRR.

Statutory authority: Education Law, sections 353 and 355(2)(b)

Subject: University Faculty Senate.

Purpose: To amend the Policies of the Board of Trustees regarding the University Faculty Senate.

Text or summary was published in the February 3, 2016 issue of the Register, I.D. No. SUN-05-16-00001-P.

Final rule as compared with last published rule: No changes.

Text of rule and any required statements and analyses may be obtained from: Lisa S. Campo, State University of New York, State University Plaza, Albany, New York 12246, (518) 320-1400, email: Lisa.Campo@SUNY.edu

Assessment of Public Comment

The agency received no public comment.

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.

Subject Matter

Location—Date—Time

Environmental Conservation, Department of

ENV-11-16-00004-P..... Solid waste management regulations

Suffolk County Water Authority Education
Center, 260 Motor Pkwy., Hauppauge, NY—
June 2, 2016, 1:00 p.m.Department of Environmental Conservation,
625 Broadway, Rm. 129A, Albany, NY—June
6, 2016, 1:00 p.m.RIT Inn and Conference Center, Henrietta
Ballroom, 5257 Henrietta Rd., Rochester,
NY—June 7, 2016, 1:00 p.m.

ACTION PENDING INDEX

The action pending index is a list of all proposed rules which are currently being considered for adoption. A proposed rule is added to the index when the notice of proposed rule making is first published in the *Register*. A proposed rule is removed from the index when any of the following occur: (1) the proposal is adopted as a permanent rule; (2) the proposal is rejected and withdrawn from consideration; or (3) the proposal's notice expires.

Most notices expire in approximately 12 months if the agency does not adopt or reject the proposal within that time. The expiration date is printed in the second column of the action pending index. Some notices, however, never expire. Those notices are identified by the word "exempt" in the second column. Actions pending for one year or more are preceded by an asterisk(*).

For additional information concerning any of the proposals listed

in the action pending index, use the identification number to locate the text of the original notice of proposed rule making. The identification number contains a code which identifies the agency, the issue of the *Register* in which the notice was printed, the year in which the notice was printed and the notice's serial number. The following diagram shows how to read identification number codes.

Agency code	Issue number	Year published	Serial number	Action Code
AAM	01	12	00001	P

Action codes: P — proposed rule making; EP — emergency and proposed rule making (expiration date refers to proposed rule); RP — revised rule making

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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ADIRONDACK PARK AGENCY

APA-09-16-00005-P	03/02/17	Access to Agency Records	To conform Adirondack Park Agency rules to the Public Officers Law and rules promulgated by the Committee on Open Government
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AGRICULTURE AND MARKETS, DEPARTMENT OF

AAM-28-15-00003-P	07/14/16	Incorporate by reference in 1 NYCRR of the 2015 edition of National Institute of Standards and Technology ("NIST") Handbook 133	To incorporate by reference in 1 NYCRR the 2015 edition of NIST Handbook 133
AAM-32-15-00001-P	08/11/16	Petroleum products and delivery devices; exemption of maple syrup and honey producers from food processing	To repeal requirements relating to petroleum devices and products, and to maple syrup and honey producers

CHILDREN AND FAMILY SERVICES, OFFICE OF

CFS-49-15-00005-P	12/08/16	Youth development program funding and implementation	To implement changes in the Executive Law regarding youth development program funding and implementation
CFS-07-16-00012-P	02/16/17	Eligibility of successor guardians for kinship guardianship assistance payments	To enact standards for the appointment and approval of a successor guardian upon the death or incapacity of a relative guardian
CFS-07-16-00014-P	02/16/17	Casework contacts for foster children	To implement federal standards which require monthly face-to-face, in person casework contact with foster children

CIVIL SERVICE, DEPARTMENT OF

CVS-19-15-00005-P	05/12/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-29-15-00008-P	07/21/16	Jurisdictional Classification	To classify positions in the non-competitive class

Action Pending Index**NYS Register/April 13, 2016**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-29-15-00010-P	07/21/16	Jurisdictional Classification	To delete positions from the exempt class
CVS-34-15-00006-P	08/25/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-34-15-00007-P	08/25/16	Jurisdictional Classification	To classify a position in the exempt class and to classify a position in the non-competitive class
CVS-34-15-00008-P	08/25/16	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-34-15-00009-P	08/25/16	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-34-15-00010-P	08/25/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-34-15-00011-P	08/25/16	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-34-15-00012-P	08/25/16	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-34-15-00013-P	08/25/16	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-36-15-00001-P	09/08/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-36-15-00002-P	09/08/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-36-15-00003-P	09/08/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-36-15-00004-P	09/08/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-36-15-00005-P	09/08/16	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-36-15-00006-P	09/08/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-36-15-00007-P	09/08/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-36-15-00008-P	09/08/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-36-15-00009-P	09/08/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-36-15-00010-P	09/08/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-36-15-00011-P	09/08/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-36-15-00012-P	09/08/16	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-36-15-00013-P	09/08/16	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-36-15-00014-P	09/08/16	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class
CVS-36-15-00015-P	09/08/16	Jurisdictional Classification	To delete positions/subheadings from and classify positions in the exempt class and delete positions from non-competitive class
CVS-36-15-00016-P	09/08/16	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-36-15-00017-P	09/08/16	Jurisdictional Classification	To classify a position in the exempt class and to delete a position from the non-competitive class
CVS-36-15-00018-P	09/08/16	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-44-15-00004-P	11/03/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-15-00005-P	11/03/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-44-15-00006-P	11/03/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-44-15-00007-P	11/03/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-44-15-00008-P	11/03/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-44-15-00009-P	11/03/16	Jurisdictional Classification	To classify positions in the exempt class
CVS-44-15-00010-P	11/03/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-44-15-00011-P	11/03/16	Jurisdictional Classification	To delete a position from and classify positions in the exempt class
CVS-44-15-00012-P	11/03/16	Jurisdictional Classification	To classify a subheading and positions in the non-competitive class
CVS-44-15-00013-P	11/03/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-15-00014-P	11/03/16	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-44-15-00015-P	11/03/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-15-00016-P	11/03/16	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-44-15-00017-P	11/03/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-15-00018-P	11/03/16	Jurisdictional Classification	To classify positions in the exempt class and to classify a position from the non-competitive class
CVS-45-15-00003-P	11/09/16	Jurisdictional Classification	To classify positions in the exempt class

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-45-15-00004-P	11/09/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-45-15-00005-P	11/09/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-45-15-00006-P	11/09/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-45-15-00007-P	11/09/16	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-51-15-00002-P	12/22/16	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-51-15-00003-P	12/22/16	Jurisdictional Classification	To classify a position in the exempt class
CVS-02-16-00003-P	01/12/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-02-16-00004-P	01/12/17	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-02-16-00005-P	01/12/17	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-02-16-00006-P	01/12/17	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-07-16-00005-P	02/16/17	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-07-16-00006-P	02/16/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-07-16-00007-P	02/16/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-07-16-00008-P	02/16/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-07-16-00009-P	02/16/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-07-16-00010-P	02/16/17	Jurisdictional Classification	To delete a position from and to classify a position in the non-competitive class
CVS-11-16-00001-P	03/16/17	Jurisdictional Classification	To delete positions from and classify positions in the exempt and non-competitive classes
CVS-11-16-00002-P	03/16/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-11-16-00003-P	03/16/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-14-16-00005-P	04/06/17	Supplemental military leave benefits	To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2016
CVS-15-16-00004-P	04/13/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-15-16-00005-P	04/13/17	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-15-16-00006-P	04/13/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-15-16-00007-P	04/13/17	Jurisdictional Classification	To delete positions from and classify positions in the exempt and non-competitive classes
CVS-15-16-00008-P	04/13/17	Jurisdictional Classification	To classify a position in the non-competitive class
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
CCS-35-15-00018-P	09/01/16	Applicability of Title and Definitions	Update the Department name and add new definitions
CRIMINAL JUSTICE SERVICES, DIVISION OF			
CJS-03-16-00002-P	01/19/17	Victims of Human Trafficking	To conform to the "Trafficking Victims Protection and Justice Act," as added by Chapter 368 of the Laws of 2015
CJS-09-16-00002-P	03/02/17	Central Registry of Police Officers and Peace Officers	To consolidate the police officer and peace officer registries; and to clarify the reporting requirements
EDUCATION DEPARTMENT			
*EDU-13-15-00021-P	03/31/16	Supplementary Teaching Certificates in Bilingual Education and English to Speakers of Other Languages (ESOL)	To provide additional pathways for teacher certification candidates to obtain supplementary bilingual education extension and the ESOL supplementary certificate, for a three year period to conclude on June 30, 2018
EDU-27-15-00008-ERP	07/07/16	School receivership	To implement Education Law section 211-f, as added by Part EE, Subpart H of Ch. 56 of the Laws of 2015
EDU-45-15-00014-RP	11/30/16	Preschool special education programs and services	To enact requirements relating to appointment of 1:1 aide by Committee on Special Education (CSE); Special Education Itinerant Services (SEIS); related services; and standards for approved preschool providers
EDU-52-15-00017-ERP	12/29/16	Annual Professional Performance Reviews (APPR) of classroom teachers and building principals	To implement the recommendations of the New York Common Core Task Force Report by establishing transition ratings for teachers and building principals during a four-year transition period for APPRs
EDU-04-16-00003-RP	01/26/17	New York State Seal of Biliteracy	To establish requirements for students to earn a State Seal of Biliteracy.
EDU-04-16-00004-P	02/25/17	Procedures for State-level review of impartial hearing officer determinations regarding services for students with disabilities.	To revise the procedures for appealing impartial hearing officer decisions to a State review officer.
EDU-05-16-00003-EP	02/02/17	Examinations for Teacher Certification	To provide a safety net for candidates who take and fail Part Two: Mathematics of the new Multi-Subject: Secondary Teachers Grades 7-12 Content Specialty Test (CST) which is required for Students with Disabilities, Grades 7-12, Generalist Teacher Cert.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-06-16-00004-P	02/09/17	School counseling, certification requirements for school counselors and the school counselor program registration requirements.	To implement policy enacted by the Board of Regents to enhance existing public school district guidance programs to require comprehensive developmental counseling programs for all students in grades prekindergarten through 12 by certified school counselors
EDU-10-16-00006-P	03/09/17	New York State High School Equivalency Diploma	To establish the National External Diploma Program (NEDP) as a pathway to earn a NYS High School Equivalency Diploma
EDU-10-16-00015-P	03/09/17	Citizenship requirements for professional licensure and certification in teaching and educational leadership service	To authorize the granting of licenses to individuals in the Title VIII professions and the certification of teachers and educational leaders to otherwise qualified aliens who are not unlawfully present in the U.S.
EDU-10-16-00017-EP	03/09/17	Execution by registered professional nurses of non-patient specific orders to administer tuberculosis tests	Authorize administration of other tests to detect/screen for tuberculosis in addition to purified protein derivative (PPD) tests
EDU-10-16-00018-P	03/09/17	Dental Anesthesia Certification Requirements for Licensed Dentists	To conform regulations to the current practice of dental anesthesia administration
EDU-14-16-00002-EP	04/06/17	Career development and occupational studies (CDOS) graduation pathway option	To establish a Career Development and Occupational Studies (CDOS) graduation pathway option
EDU-14-16-00003-EP	04/06/17	Appeals process on Regents exams passing score	To expand by two additional points the eligible score band for the appeal process on Regents examinations passing scores and to eliminate the minimum attendance eligibility requirements for such appeals
EDU-14-16-00004-EP	04/06/17	Interest penalties for late annual assessment fees paid by licensed private career schools	To conform regulations to reflect current practices
EDU-14-16-00009-EP	04/06/17	Registration and continuing teacher and leader education requirements	to implement Subpart C of Part EE of chapter 56 of the Laws of 2015 by establishing registration for all Permanent, Professional and Teaching Assistant Level III certificate holders
ELECTIONS, STATE BOARD OF			
SBE-10-16-00003-P	03/09/17	Disclosure of Independent Expenditures	To conform 9 NYCRR 6200.10 to reflect amendment to Election Law 14-107 made by Chapter 56 of the Laws of 2015
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-19-15-00010-P	05/12/16	Fisher trapping seasons and bag limits and general trapping regulations for furbearers	Revise existing fisher seasons, establish a new season in central/western NY, update and clarify general trapping regulations
ENV-23-15-00008-RP	07/28/16	Environmental Remediation - Brownfield Cleanup Program	To amend the Environmental Remediation Program regulations that pertain to the Brownfield Cleanup Program
ENV-24-15-00013-P	06/16/16	Rule making to implement ECL 17-0826-a	To implement the reporting, notification and record keeping requirements of ECL 17-0826-a

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-34-15-00028-P	..... 08/25/16	Qualifications for License Issuing Agents and Wildlife Rehabilitators	To remove regulatory requirements that exclude individuals with felonies from obtaining certain licenses and authorizations
ENV-45-15-00028-P	..... 11/09/16	Science-based State sea-level rise projections	To establish a common source of sea-level rise projections for consideration in relevant programs and decision-making
ENV-50-15-00002-P	..... 12/15/16	The management of black sea bass	Redefine the term trip limit to allow two fishers aboard a single vessel to possess and land the trip limit for black sea bass
ENV-50-15-00003-P	..... 12/15/16	Atlantic Ocean surfclam management	To amend surfclam regulations to provide consistency with management measures of the Fishery Management Plan
ENV-50-15-00010-P	..... 12/15/16	Aquatic Invasive Species Spread Prevention	To require that "reasonable precautions" are taken prior to placing watercraft into public waters to prevent the spread of AIS
ENV-51-15-00004-P	..... 02/10/17	Distributed generation (DG) sources that feed the distribution grid or produce electricity for use at host facilities or both	Establish emission limits for distributed generation sources
ENV-51-15-00005-P	..... 12/22/16	Big bore air rifles	To allow big bore air rifles as legal implements for hunting big game
ENV-52-15-00010-P	..... 12/29/16	Procedures for modifying or extinguishing a conservation easement held by the NYS DEC	Establish standards for the DEC to follow when modifying or extinguishing a CE and provide for a formal public review process
ENV-11-16-00004-P	..... 06/07/17	Solid Waste Management Regulations	Amend the rules that implement the solid waste program in New York State to incorporate changes in law and technology
FINANCIAL SERVICES, DEPARTMENT OF			
DFS-18-15-00009-P	..... 05/05/16	Title Insurance Rates, Expenses and Charges	To insure proper, non-excessive rates, compliance with Ins. Law 6409(d), and reasonable charges for ancillary services
DFS-50-15-00004-P	..... 12/15/16	Regulating Transaction Monitoring and Filtering Systems maintained by banks, check cashers and money transmitters	To improve efficiency and transparency in the mortgage banker and mortgage broker licensing process
DFS-03-16-00003-EP	..... 01/19/17	Standard financial aid award information sheet for institutions of higher education	Provides guidance to institutions of higher education for the implementation of a financial aid award information sheet
DFS-08-16-00002-P	..... 02/23/17	Minimum Standards for Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure	To prohibit a health insurance policy or contract from providing coverage for conversion therapy to insureds under the age of 18
GAMING COMMISSION, NEW YORK STATE			
SGC-39-15-00005-P	..... 09/29/16	Thoroughbred restricted time periods for various drugs	To enhance the integrity and safety of thoroughbred horse racing
SGC-39-15-00006-P	..... 09/29/16	Reimbursement of awards for capital improvement projects at video lottery gaming ("VLG") facilities	Clarify when VLG agent must reimburse State upon divestment of a capital improvement for which capital award was received

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
GAMING COMMISSION, NEW YORK STATE			
SGC-07-16-00001-P	02/16/17	The use of cellular telephones and electronic communication devices in the paddock	To allow cellular telephones and other communication devices in designated areas of a harness race track paddock
SGC-07-16-00011-P	02/16/17	Thoroughbred pick-four, pick-five and pick-six wagers	To standardize and improve the pick-four, pick-five and pick-six wagers in thoroughbred racing
SGC-12-16-00002-P	03/23/17	Problem gambling awareness and training and to establish a process for gaming facility patron self-exclusion	To promote best responsible gaming practices and establish a process for gaming facility patron self exclusion
SGC-12-16-00009-P	03/23/17	Consequences for Commission licensees, agents, and other regulated parties who violate prohibition on underage wagering	To further enforce the age restriction laws for gambling by imposing fines, suspensions and/or license revocation
GENERAL SERVICES, OFFICE OF			
GNS-07-16-00013-P	02/16/17	Outdoor lighting standards	To provide lighting standards that will help state agencies comply with Public Buildings Law section 143
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
*HLT-08-15-00003-RP	05/25/16	Supplementary Reports of Certain Congenital Anomalies for Epidemiological Surveillance; Filing	To increase maximum age of reporting certain birth defects to the Congenital Malformations Registry
HLT-30-15-00005-P	07/28/16	Practice of radiologic technology	To update regulations related to the practice of radiologic technology
HLT-30-15-00007-P	07/28/16	Reciprocal Emergency Medical Technician Certification Requirements	To replace the emergency medical technician-intermediate category with the advanced emergency medical technician category
HLT-30-15-00008-P	07/28/16	Controlled Substances for EMS Agency Agent and Requirements for an Advanced Life Support System	To amend the regulations regarding the EMS Agency Agent and the Requirements for an Advanced Life Support System
HLT-30-15-00009-P	07/28/16	Requirements for Manufacturers and Distributors Regarding Controlled Substances	To clarify and use language consistent with current terminology used by the State Board of Pharmacy
HLT-39-15-00015-P	09/29/16	Women Infants and Children (WIC) Program Vendor Applicant Enrollment Criteria	To align NYS WIC Program operations with current federal requirements by amending the existing vendor enrollment criteria
HLT-43-15-00003-RP	10/27/16	Immediate Need for Personal Care Services (PCS) and Consumer Directed Personal Assistance (CDPA)	To implement 2015 State law changes regarding Medicaid applicants and recipients with immediate needs for PCS or CDPA
HLT-44-15-00003-P	11/03/16	Transgender Related Care and Services	To amend provisions regarding Medicaid coverage of transition-related transgender care and services
HLT-46-15-00006-P	01/10/17	Early Intervention Program	To conform existing program regulations to federal regulations and state statute

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-47-15-00003-P	11/24/16	Sexually Transmitted Diseases (STDs)	Control of Sexually Transmitted Diseases (STDs); Expedited Partner Therapy for Chlamydia Trachomatis Infection
HLT-51-15-00008-P	12/22/16	Children's Camps	To include camps for children with developmental disabilities as a type of facility within the oversight of the Justice Center
HLT-06-16-00001-P	02/09/17	Home Care Agencies to Obtain Written Medical Orders from Physicians	Amend the clinical records rules for CHHAs & LHCSAs with regard to obtaining signed physician orders
HLT-06-16-00002-P	02/09/17	Perinatal Services	To update the Breastfeeding Mother's Bill of Rights to conform with recommended standards of care
HLT-06-16-00005-P	02/09/17	Hospice Operational Rules	To implement hospice expansion
HLT-06-16-00017-P	02/09/17	Extended Mammography Hours for General Hospitals and Hospital Extension Clinics	Requires those general hospitals and hospital extension clinics that offer mammography services to have extended hours
HLT-15-16-00016-P	04/13/17	Zika Action Plan; Performance Standards.	To require local health departments to develop a Zika Action Plan as a condition of State Aid
HUMAN RIGHTS, DIVISION OF			
HRT-10-16-00019-P	03/09/17	Discrimination based on relationship or association	To clarify it is unlawful to discriminate because of relationship or association with members of a protected class
JUSTICE CENTER FOR THE PROTECTION OF PEOPLE WITH SPECIAL NEEDS			
JCP-28-15-00008-EP	07/14/16	Protocols for interviewing service recipients during investigations of abuse or neglect	To enhance protections for people with special needs during investigations of abuse or neglect
LABOR, DEPARTMENT OF			
LAB-21-15-00009-RP	05/26/16	Methods of Payment of Wages	This regulation provides clarification and specification as to the permissible methods of payment, including payroll debit cards
LAB-03-16-00009-P	01/19/17	Employer Imposed Limitations on the Inquiry, Discussion, and Disclosure of Wages	This regulation sets forth standards for limitations on inquiry, discussion, or the disclosure of wages amongst employees
LAKE GEORGE PARK COMMISSION			
LGP-06-16-00006-P	03/28/17	Mandatory inspection of trailered vessels for aquatic invasive species prior to launching into the waters of Lake George Park	To prevent the introduction and spread of aquatic invasive species into the waters of the Lake George Park
LAW, DEPARTMENT OF			
LAW-47-15-00007-ERP	11/24/16	Clarification of Protections for Senior and Disabled Tenants During Condominium or Cooperative Ownership Conversions	To clarify the Martin Act's non-purchasing tenant protections for eligible senior citizens and eligible disabled persons

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LIQUOR AUTHORITY, STATE			
LQR-02-16-00002-P	01/12/17	Update outdated Freedom of Information Law procedures utilized by Authority	To update Authority procedures and ensure compliance with Freedom of information Law requirements under Pub. Off. Law., art. 6
LQR-06-16-00003-P	02/09/17	Alcohol Training and Awareness Program (ATAP) application processes and program requirements	To enact statutorily required Alcohol Training and Awareness Program (ATAP) application processes and program requirements
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
LPA-02-16-00014-P	exempt	Dynamic load management programs including direct load control, peak shaving, and contingency load relief	To establish dynamic load management programs consistent with tariff revisions approved by the PSC for the regulated utilities
LPA-02-16-00015-P	exempt	Community distributed generation net metering, remote net metering, and size limits for fuel cells	To authorize community distributed generation net metering and to modify provisions for remote net metering and fuel cells
MENTAL HEALTH, OFFICE OF			
OMH-08-16-00003-P	02/23/17	Rights of Patients	Make clear that conversion therapy is not a permissible treatment for minors in facilities under OMH jurisdiction
OMH-10-16-00005-P	03/09/17	Directors of Mental Hygiene Facilities as Representative Payees	Implement provisions of Mental Hygiene Law Section 33.07(e) regarding the management and protection of patient funds
OMH-15-16-00001-P	04/13/17	Telepsychiatry Services	Establish basic standards to approve telepsychiatry in certain OMH-licensed programs; repeal unnecessary existing provisions
MOTOR VEHICLES, DEPARTMENT OF			
MTV-13-16-00004-P	03/30/17	Suffolk County motor vehicle use tax	To increase the Suffolk County motor vehicle use tax
MTV-15-16-00009-P	04/13/17	Enforcement of off premise sales regulation	To provide for enforcement of off premise sales regulation
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
NIAGARA FALLS WATER BOARD			
*NFW-13-14-00006-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF			
PKR-04-16-00001-P	..... 01/26/17	Replaces outdated regional hunting regulations with a statewide regulation establishing a framework for regional hunting permits	Better enable regions to manage hunting through permit conditions rather than regional regulations
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-48-15-00003-P	..... 12/01/16	Agency Name Change and Terminology Updates	To update the agency name and other terminology in the Title 14 NYCRR Part 600 series
PDD-11-16-00005-EP	..... 03/16/17	Conforming Changes Related to Chapter 106 of the Laws of 2015	To make changes to regulations to conform to recent statutory changes set forth in Chapter 106 of the Laws of 2015
PDD-12-16-00001-P	..... 03/23/17	Pathway to Employment Changes	To make changes to requirements for the delivery and reimbursement of the Pathway to Employment service
PDD-15-16-00002-P	..... 04/13/17	Site Based Prevocational Services Certification and Physical Plant Requirements	To apply existing physical plant and certification requirements in OPWDD regulations to site based prevocational services
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	..... exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PUBLIC SERVICE COMMISSION			
*PSC-28-97-00032-P	..... exempt	General service by Central Hudson Gas & Electric Corporation	To limit certain special provisions
*PSC-34-97-00009-P	..... exempt	Collection agency fees by Consolidated Edison Company of New York, Inc.	To pass collection agency fees on to the customer
*PSC-04-98-00015-P	..... exempt	Interconnection service overcharges by Niagara Mohawk Power Corporation	To consider a complaint by Azure Mountain Power Co.
*PSC-19-98-00008-P	..... exempt	Call forwarding by CPU Industries Inc./MKL Net, et al.	To rehear the petition
*PSC-02-99-00006-EP	..... exempt	Intralata freeze plan by New York Telephone Company	To approve the plan
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-50-99-00009-P	..... exempt	Retail access uniform business practices by The Brooklyn Union Gas Company and KeySpan Gas East Corporation d/b/a Brooklyn Union of Long Island	To approve a joint petition requesting a waiver extension of a requirement set forth in the commission's order

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-52-99-00006-P	..... exempt	Wide area rate center calling	To implement number conservation measures
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-14-00-00004-EP	..... exempt	NXX code in the 716 NPA by Broadview Networks	To assign an NXX code in Buffalo
*PSC-14-00-00026-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and Media Log, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-14-00-00027-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and Pilgrim Telephone, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-14-00-00029-P	..... exempt	Interconnection agreement between New York Telephone Company d/b/a Bell Atlantic-New York and CoreComm New York, Inc.	To review the terms and conditions of the negotiated agreement
*PSC-16-00-00012-P	..... exempt	Termination of local telecommunications traffic by Hyperion Communications of New York, Inc.	To determine appropriate compensation levels
*PSC-21-00-00007-P	..... exempt	Initial tariff schedule by Drew Road Association	To set forth the rates, charges, rules and regulations
*PSC-31-00-00026-P	..... exempt	Water service by Windover Water Works	To abandon the water system
*PSC-33-00-00010-P	..... exempt	Electric rate and restructuring plan by Rochester Gas and Electric Corporation	To evaluate possible modifications
*PSC-36-00-00039-P	..... exempt	Steam increase by Consolidated Edison Company of New York, Inc.	To provide for an annual increase in the first year of a proposed four-year rate plan
*PSC-37-00-00001-EP	..... exempt	Interruptible gas customers	To ensure customers have an adequate supply of alternative fuel available
*PSC-39-00-00004-P	..... exempt	Blockable central office codes by PaeTec Communications, Inc.	To review the commission's requirements for assignment of numbering resources
*PSC-44-00-00014-P	..... exempt	Recovery of costs through adjustment mechanisms by Consolidated Edison Company of New York, Inc.	To permit the recovery of certain costs
*PSC-49-00-00007-P	..... exempt	Gas sales and purchases by Corning Natural Gas Corporation	To determine whether certain gas sales and purchases were in the public interest and whether customers should bear the resulting costs
*PSC-01-01-00023-P	..... exempt	Installation, maintenance and ownership of service laterals by Rochester Gas and Electric Corporation	To update and clarify the provisions
*PSC-06-01-00009-P	..... exempt	Uniform system of accounts by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-13-01-00001-P	..... exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-13-01-00002-P	..... exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-13-01-00003-P	..... exempt	Request for accounting authorization by Rochester Gas and Electric Corporation	To defer an item of expense beyond the end of the year in which it was incurred
*PSC-15-01-00012-P	..... exempt	Transfer of a controlling leasehold interest by Huntley Power LLC	To approve the transfer
*PSC-22-01-00006-P	..... exempt	Con Edison's phase 4 plan for retail access by AES Energy, Inc.	To review the request for rehearing
*PSC-26-01-00012-P	..... exempt	Interconnection of networks between Sprint PCS and Verizon New York Inc.	To review the terms and conditions of the negotiated agreement
*PSC-36-01-00010-P	..... exempt	Competitive metering by eBidenergy.com	To clarify meter ownership rules and requirements
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-01-02-00007-P	..... exempt	Accounting and rate treatment of proceeds by Consolidated Edison Company of New York, Inc.	To consider proceeds from sale of nuclear generating facilities
*PSC-05-02-00005-P	..... exempt	Uniform system of accounts by Consolidated Edison Company of New York, Inc.	To defer expenditures incurred in connection with emergency response services affected by the World Trade Center disaster
*PSC-06-02-00015-P	..... exempt	Network reliability performance mechanism by Consolidated Edison Company of New York, Inc.	To earn rewards for meeting the targets of the network reliability performance mechanism
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-29-02-00014-P	..... exempt	Financing by Valley Energy, Inc.	To issue a note and allocate costs
*PSC-49-02-00021-P	..... exempt	Requests for lightened regulation by PSEG Power Bellport, LLC	To consider the company's request
*PSC-08-03-00009-P	..... exempt	Provision of gas service to World Kitchen Incorporated	To establish terms and conditions
*PSC-09-03-00012-P	..... exempt	Incremental service line installations by New York State Electric & Gas Corporation	To revise the current flat rate per foot charged
*PSC-09-03-00014-P	..... exempt	Deferral accounting by Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc.	To defer expense items beyond the end of the year(s) in which they were incurred
*PSC-11-03-00012-P	..... exempt	Economic development plan by New York State Electric & Gas Corporation	To consider the plan
*PSC-18-03-00004-P	..... exempt	Lightened regulation by East Hampton Power and Light Corporation (EHPLC)	To provide for lightened regulation and grant financing approval
*PSC-22-03-00020-P	..... exempt	Inter-departmental gas pricing by Consolidated Edison Company of New York, Inc.	To revise the method used in steam and steam-electric generating stations
*PSC-32-03-00020-P	..... exempt	Issuance of debt and approval of surcharge by Rainbow Water Company	To approve necessary financing

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-03-00019-P	..... exempt	Issuance of securities by KeySpan East Corporation d/b/a KeySpan Energy Delivery Long Island	To obtain authorization to issue securities
*PSC-35-03-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and MCIMetro Access Transmission Services LLC	To amend the agreement
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-39-03-00013-P	..... exempt	Complaint by State University of New York (SUNY) regarding a NYSEG operating agreement	To consider the complaint
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00008-P	..... exempt	Lightened regulation by Sterling Power Partners, L.P.	To consider granting lightened regulation
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-42-03-00005-P	..... exempt	Interest rate by the Bath Electric, Gas, and Water Systems	To use an alternate interest rate
*PSC-43-03-00036-P	..... exempt	Merchant function backout credit and transition balancing account by KeySpan Gas East Corporation	To continue the credit and account until May 31, 2005
*PSC-43-03-00037-P	..... exempt	Merchant function backout credit and transition balancing account by The Brooklyn Union Gas Company	To continue the credit and account until May 31, 2005
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-47-03-00024-P	..... exempt	Lightened regulation and financing approval by Medford Energy LLC	To consider the requests
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts receivable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts receivable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program

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PUBLIC SERVICE COMMISSION			
*PSC-20-05-00028-P exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment

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PUBLIC SERVICE COMMISSION			
*PSC-34-06-00009-P exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-39-06-00018-P	..... exempt	Order establishing rate plan by Central Hudson Gas & Electric Corporation and the Consumer Protection Board	To consider the petitions for rehearing
*PSC-39-06-00019-P	..... exempt	Investigation of Richard M. Osborne by Corning Natural Gas Corporation	To determine the interests, plans and commitments that will be in place if he is successful in blocking the merger of Corning Gas and C&T Enterprises
*PSC-39-06-00022-P	..... exempt	Uniform business practices and related matters by U.S. Energy Savings Corporation	To establish a contest period
*PSC-40-06-00005-P	..... exempt	Orion Integral automatic meter reading transmitter by New York State Electric and Gas Corporation	To permit gas utilities in NYS to use the Badger Meter Incorporated Orion Integral transmitters
*PSC-42-06-00011-P	..... exempt	Submetering of electricity by 225 5th LLC	To submeter electricity at 255 Fifth Ave., New York, NY
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-44-06-00014-P	..... exempt	Electric power outages in Northwest Queens by Consolidated Edison Company of New York, Inc.	To review the terms and conditions of the agreement
*PSC-45-06-00007-P	..... exempt	Alleged failure to provide electricity by Robert Andrews	To assess validity of allegations and appropriateness of fines
*PSC-01-07-00031-P	..... exempt	Enforcement mechanisms by National Fuel Gas Distribution Corporation	To modify enforcement mechanisms
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters

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PUBLIC SERVICE COMMISSION			
*PSC-17-07-00008-P exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer

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PUBLIC SERVICE COMMISSION			
*PSC-12-08-00019-P exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-23-08-00009-P	..... exempt	The transfer of certain real property with an original cost under \$100,000 in the Town of Throop	To consider the filing for the transfer of certain real property in the Town of Throop
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved

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PUBLIC SERVICE COMMISSION			
*PSC-43-08-00014-P exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga

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PUBLIC SERVICE COMMISSION			
*PSC-18-09-00012-P exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p.
*PSC-29-09-00006-P	..... exempt	Petition for the submetering of electricity at a residential senior citizen facility	To consider the request of Shinda Management Corp. to submeter electricity at 107-37 166th Street, Jamaica, New York
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-25-10-00015-P	..... exempt	To allow NYWC to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2009	Consideration of NYWC's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2009
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-31-10-00007-P	..... exempt	Waiver of the Attachment 23 requirement in 2001 Rate Order that NMPC Board of Directors consist of "outside directors"	To consider the waiver of the requirement that a majority of NMPC Board of directors consist of "outside directors"
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-12-11-00008-P	..... exempt	To allow NYWC to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2010	Consideration of NYWC's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2010
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-13-11-00007-P	..... exempt	Budget allocations and use of System Benefits Charge funds to pay State Cost Recovery Fee	To encourage cost effective gas and electric energy conservation in the State
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-16-11-00011-P	..... exempt	The Energy Efficiency Portfolio Standard	To promote gas and electricity energy conservation programs in New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-23-11-00018-P	..... exempt	NYSERDA's energy efficiency program for low-income customers	To promote energy conservation in New York State
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-51-11-00010-P	..... exempt	The Total Resource Cost (TRC) test, used to analyze measures in the Energy Efficiency Portfolio Standard program	Petitioners request that the TRC test and/or its application to measures should be revised
*PSC-52-11-00017-P	..... exempt	Reparations and refunds	Reparations and refunds
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-17-12-00007-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest	Whether the Commission should issue an order approving the proposed provision of water service
*PSC-17-12-00008-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest	Whether the Commission should issue an order approving the proposed provision of water service
*PSC-17-12-00009-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest	Whether the Commission should issue an order approving the proposed provision of water service
*PSC-19-12-00019-P	..... exempt	EEPS programs administered by New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation	To modify the C&I sector by combining multiple approved C&I programs into a single C&I program for each PA
*PSC-19-12-00022-P	..... exempt	Approval of a combined heat and power performance program funding plan administered by NYSEERDA	Modify NYSEERDA's EEPS programs budget and targets to fund the CHP program
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00005-P	..... exempt	EEPS multifamily programs administered by Consolidated Edison Company of New York, Inc.	To redesign the multifamily electric and gas programs and modify the budgets and targets
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-35-12-00014-P	..... exempt	To implement an abandonment of White Knight's water system	To approve the implementation of abandonment of White Knight's water system
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-14-13-00005-P	..... exempt	Recovery of incremental expense.	To consider petition for recovery of incremental expense.
*PSC-17-13-00008-P	..... exempt	Provision of historical utility pricing information for comparison purposes for residential ESCO customers	Provision of historical utility pricing information for comparison purposes for residential ESCO customers
*PSC-17-13-00010-P	..... exempt	Provision of historical pricing information for comparison purposes for residential ESCO customers	Provision of historical pricing information for comparison purposes for residential ESCO customers
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-24-13-00009-P	..... exempt	Repowering options for the Cayuga generating station located in Lansing, New York, and alternatives	To establish whether utility plans should include repowering options for the Cayuga generating station, or other alternatives

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-24-13-00010-P	..... exempt	Repowering options for the Dunkirk generating station located in Dunkirk, New York, and alternatives	To establish whether utility plans should include repowering options for the Dunkirk generating station, or other alternatives
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00011-P	..... exempt	Waiver of certain Commission requirements related to provision of customer information to credit reporting agencies.	To waive a utility's right to provide information to credit reporting agencies related to customers' payment histories.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00010-P	..... exempt	Permission to write off and eliminate record keeping for regulatory reserves for Pensions and Other Post Retirement Benefits	To allow write off and eliminate record keeping of Pension and Other Post Retirement Benefits Reserves
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-37-13-00007-P	..... exempt	Dissolution of Garrow Water Works Company, Inc..	To allow for the dissolution of Garrow Water Works Company, Inc.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-39-13-00010-P	..... exempt	NY-Sun initiative within the Customer-Sited Tier of the RPS Program.	To increase the statewide adoption of customer sited photovoltaic solar generation through the NY-Sun Initiative.
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-14-00017-P	..... exempt	Residential Time-of-Use Rates	To establish residential optional time of use delivery and commodity rates
*PSC-03-14-00009-P	..... exempt	disposition of tax refunds and other related matters	to determine the disposition of tax refunds and other related matters
*PSC-04-14-00005-P	..... exempt	National Fuel Gas Corporation's Conservation Incentive Programs.	To modify National Fuel Gas Corporation's Non-Residential Conservation Incentive Program.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDfC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-16-14-00016-P	..... exempt	Waiver of Commission regulations governing termination of service.	Consider United Water New York Inc.'s proposal to expand termination of service provisions.
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-19-14-00018-P	..... exempt	Uniform System of Accounts, deferral of an expense item	Authorization of a deferral for an expense item beyond the end of the year in which it was incurred
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00010-P	..... exempt	Petitioner requests an order authorizing its participation in the next Main Tier solicitation offered under the RPS Program.	To enable continued operation of a 21 MW biomass fueled electric generating facility in Chateaugay, New York.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.
*PSC-26-14-00017-P	..... exempt	Existing ratemaking and rate design practices will be revised with a focus on outcomes and incentives.	To use the Commission's ratemaking authority to foster a DER-intensive system.
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00025-P	..... exempt	Allocation of uncommitted Technology and Market Development Funds to the Combined Heat & Power Performance Program.	To consider allocation of uncommitted Technology & Market Development Funds to the Combined Heat & Power Performance Program.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-32-14-00009-P	..... exempt	Refueling options for the Dunkirk generating station located in Dunkirk, New York, and alternatives	To address the joint petition for rehearing of the Commission's Order related to refueling the Dunkirk generating station
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-34-14-00009-P	..... exempt	Whether to approve the Quadlogic S10N residential submeter.	Approval of the Quadlogic S10N Smart Meter for use in residential electric submetering is required by 16 NYCRR Parts 93 and 96.
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-36-14-00010-P	..... exempt	The procurement of Main Tier renewable resources will become the responsibility of the State's electric utilities.	To ensure the development of large-scale renewables in New York State to promote fuel diversity and reduce carbon emissions.
*PSC-36-14-00011-P	..... exempt	To defer pension settlement losses associated with retirements in the year ended March 31, 2014.	To resolve the ratemaking of the pension settlement loss.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00018-P	..... exempt	New electric utility demand response tariffs may be adopted.	To develop mature DER markets by enabling the development and use of DR as an economic system resource.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-45-14-00003-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of Bedford-Stuyvesant South One LLC to submeter electricity at 27 Albany Avenue, Brooklyn, NY
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-52-14-00026-P	..... exempt	Community Choice Aggregation.	To consider action related to Community Choice Aggregation.
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-01-15-00017-P	..... exempt	Reimbursement of costs for construction under 16 NYCRR 230	To determine proper reimbursement for costs related to trenching and construction
*PSC-03-15-00002-P	..... exempt	Waiver of tariff provisions related to SC 14 Non-Core Transportation Services for Electric Generation	To determine whether a waiver is warranted

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-04-15-00008-P	..... exempt	Re-billing SC No. 2 customers from March 2008 through March 2014.	To determine whether re-billing SC No. 2 customers by the Companies' proposed methodology customers is appropriate.
*PSC-04-15-00010-P	..... exempt	To modify the retail access program under SC No. 19 - Seller Transportation Aggregation Service.	To modify the retail access program to implement Tier 2A - Storage Capacity Release and make other tariff changes.
*PSC-04-15-00011-P	..... exempt	To modify the retail access program under SC No. 8 - Seller Services.	To modify the retail access program to implement Tier 2A - Storage Capacity Release and make other tariff changes.
*PSC-04-15-00012-P	..... exempt	Disposition of tax refunds and other related matters.	To determine the disposition of tax refunds and other related matters.
*PSC-06-15-00003-P	..... exempt	Petition for submetering of electricity	To consider the request of City Point Residential LLC, to submeter electricity at 366 Flatbush Avenue Ext, Brooklyn, New York
*PSC-07-15-00006-P	..... exempt	Whether to order a remand regarding payphone rates	Whether to order a remand regarding payphone rates and award refunds
*PSC-08-15-00009-P	..... exempt	Approval of a surcharge.	To allow or disallow Emerald Green Lake Louise Marie Water Company, Inc. for a surcharge.
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-10-15-00009-P	..... exempt	Contingency Tariffs regarding demand response issues	To consider Contingency Tariffs regarding demand response issues
*PSC-12-15-00007-P	..... exempt	The Annual Reconciliation of Gas Expenses and Gas Cost Recoveries codified at Title 16 NYCRR Section 720.6.5	Examine the Annual Reconciliation of Gas Expenses and Gas Cost Recoveries mechanism
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-17-15-00004-P	..... exempt	Rehearing of the Commission's Order Adopting Regulatory Policy Framework and Implementation Plan	Consideration of a petition for rehearing
PSC-17-15-00006-P	..... exempt	Petition to submeter electricity	To consider the request of 56th and Park (NY) LLC, to submeter electricity at 432 Park Avenue, New York, New York
PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
PSC-18-15-00004-P	..... exempt	National Grid's electric Economic Development Programs	To revise the economic development assistance to qualified businesses
PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
PSC-18-15-00007-P	..... exempt	National Grid's Economic Development Programs	To authorize a new economic development program for National Grid's natural gas service territory
PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
PSC-20-15-00006-P	..... exempt	Implementation of the proposed Microgrid Business Model as a reliability and demand management resource	Consider implementation of the proposed Microgrid Business Model as a reliability and demand management resource
PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
PSC-23-15-00007-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of 200 W. 54 Corp. to submeter electricity at 200 West 54th Street, New York, New York
PSC-24-15-00011-P	..... exempt	To consider adopting the recommendations of the Staff Report on addressing energy affordability for low income programs	To consider the Staff Report on, and recommendations of, best practices for implementing utility low income programs
PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
PSC-26-15-00014-P	..... exempt	To consider the request for partial waiver of the energy audit requirements in 16 NYCRR Section 96.5(k)	To consider the request for partial waiver of the energy audit requirements in 16 NYCRR Section 96.5(k)
PSC-26-15-00016-P	..... exempt	Petition to Submeter electricity	To consider the request of 39 Plaza Housing Corporation to submeter electricity at 39 Plaza Street West, Brooklyn, New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-27-15-00014-P	..... exempt	Authorization for NYAW to accrue interest on internal reserve debit balances	To allow NYAW to accrue interest on internal reserve debit balances
PSC-28-15-00006-P	..... exempt	The minor electric rate filing of Mohawk Municipal Commission	Whether to increase Mohawk Municipal Commission's annual electric revenues by approximately \$113,119 or 13.74%
PSC-29-15-00018-P	..... exempt	Approval of ratemaking related to amendment a certificate of public convenience and necessity	To approve or reject the ratemaking aspects of SLG's petition to amend its certificate of public convenience and necessity
PSC-29-15-00023-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of Bridge Land Hudson LLC to submeter electricity at 261 Hudson Street, New York, New York
PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
PSC-31-15-00007-P	..... exempt	Plan to convert petroleum pipeline into a natural gas pipeline	Whether to approve the proposed conversion plan submitted by NIC Holding Corp
PSC-32-15-00005-P	..... exempt	Petition for rehearing of the Order Adopting Dynamic Load Management Filings with Modifications	To consider a petition for rehearing of the Order Adopting Dynamic Load Management Filings with Modifications
PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
PSC-32-15-00007-P	..... exempt	Approval of cost recovery and incentive mechanisms for the NWA Project.	To approve the cost recovery and incentive mechanisms for the NWA Project.
PSC-32-15-00012-P	..... exempt	Proposed standards for Commission oversight of Distributed Energy Resource suppliers.	To consider proposed standards for Commission oversight of Distributed Energy Resource suppliers.
PSC-33-15-00008-P	..... exempt	Existing ratemaking, rate design and regulatory practices will be revised with a focus on outcomes and incentives.	To use the Commission's ratemaking authority to foster a DER-intensive system.
PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
PSC-35-15-00008-P	..... exempt	Major electric revenue increase	To consider an increase to its annual electric revenues by approximately \$857,227 or 6.2%
PSC-35-15-00010-P	..... exempt	Notice of Intent to Submeter Electricity	To consider the request of 605 West 42nd Owner LLC to submeter electricity at 605 West 42nd Street, New York, New York
PSC-35-15-00011-P	..... exempt	Demand based Standby Service Charges levied upon Offset Tariff customers accounts	To consider a revision to demand based Standby Service Charges levied upon Offset Tariff customers accounts

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
PSC-37-15-00006-P	..... exempt	Major electric rate filing	To consider an increase in NYSEG's electric delivery revenues by approximately \$122 million or 16.8%
PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
PSC-37-15-00008-P	..... exempt	Major gas rate filing	To consider an increase in NYSEG's gas delivery revenues by approximately \$36.3 million or 19.1%
PSC-37-15-00009-P	..... exempt	Major electric rate filing	To consider an increase in RG&E's electric delivery revenues by approximately \$53 million or 12.1%
PSC-37-15-00010-P	..... exempt	Major gas rate filing	To consider an increase in RG&E's gas delivery revenues by approximately \$21.8 million or 31.1%
PSC-38-15-00008-P	..... exempt	Notice of Intent to submeter electricity	To consider the request of Community Counseling and Mediation to submeter electricity at 226 Linden Blvd., Brooklyn, New York
PSC-39-15-00010-P	..... exempt	Major gas revenue increase	To consider an increase to its annual gas revenues by approximately \$1,228,000 or 2.96%
PSC-39-15-00011-P	..... exempt	A joint proposal filed on September 9, 2015	Resolution of Cases 09-M-0114 and 09-M-0243 regarding alleged imprudent contractor-related construction expenditures
PSC-39-15-00012-P	..... exempt	Petition to submeter electricity	To consider the request of 47 East 34th Street (NY), L.P., to submeter electricity at 49 East 34th Street New York, New York
PSC-40-15-00012-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 106 MW electric generating facility	Consideration of approval of a lightened regulatory regime for an approximately 106 MW electric generating facility
PSC-40-15-00013-P	..... exempt	Issuance by Niagara Mohawk Power Corporation d/b/a National Grid of Long-Term indebtedness of up to \$2.07 billion	To consider a petition for authority to issue long-term indebtedness in the amount of up to \$2.07 billion until March 31, 2020
PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
PSC-41-15-00004-P	..... exempt	Whether to permit the use of the Enetics NILM Recorders	To consider permitting the use of the Enetics NILM Recorders
PSC-41-15-00005-P	..... exempt	Intergrow disputes National Grid's revenue assurance calculations	To consider whether the revenue assurance National Grid is requiring of Intergrow for the new interconnection is appropriate
PSC-41-15-00007-P	..... exempt	The allocation of costs for the extension of electric service	Whether to grant the complaint of Glenwyck Development, LLC
PSC-41-15-00009-P	..... exempt	Main Tier of the Renewable Portfolio Standard program	To consider allocating funding from the Main Tier to an eligible hydroelectric facility

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-41-15-00011-P	..... exempt	Deferral of incremental costs incurred in 2014 associated with increased gas leak response and repair activities	To consider a petition by Con Edison to defer certain incremental costs associated with gas leak response and repair activities
PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
PSC-42-15-00007-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request of Sandy Clarkson LLC to submeter electricity at 310 Clarkson Avenue, Brooklyn, New York.
PSC-42-15-00010-P	..... exempt	Petition for modification of Con Edison's S.C. No. 4 (Back-up/Supplementary) Steam Service.	To consider modifications to S.C. No. 4 of Con Edison's Schedule for Steam Service.
PSC-42-15-00012-P	..... exempt	Establishment of the regulatory regime applicable to a proposed natural gas pipeline facility.	Consideration of a lightened regulatory regime for a proposed natural gas pipeline facility.
PSC-42-15-00013-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.
PSC-44-15-00025-P	..... exempt	Distributed System Implementation Plan Guidance	To consider DPS Staff's proposal regarding the filing of Distributed System Implementation Plans by utilities
PSC-44-15-00026-P	..... exempt	Transfer of water supply assets.	To consider the transfer of the water supply assets of Beekman Water Company, Inc. to the Town of East Fishkill.
PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
PSC-44-15-00030-P	..... exempt	System Improvement Plan mechanism	To consider Bath's petition to implement a SIP mechanism
PSC-45-15-00010-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request of One Vandam Condominium to submeter electricity at 180 Avenue of the Americas, New York, New York.
PSC-47-15-00008-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of 150 Charles Street Holdings LLC to submeter electricity at 150 Charles Street, New York, New York
PSC-47-15-00009-P	..... exempt	Addition of LED options to NMPC's SC No. 2 in its street lighting schedule, P.S.C. No. 214 - Electricity	To consider the addition of LED options to NMPC's SC No. 2 in its street lighting schedule, P.S.C. No. 214 - Electricity
PSC-47-15-00010-P	..... exempt	Use of the AMETEK JEMStar II Digital Power Meter	To consider permitting the use of AMETEK Power Instrument's JEMStar II Digital Power Meter for electric metering applications
PSC-47-15-00012-P	..... exempt	Reimbursement of costs for construction under 16 NYCRR 230	To determine proper reimbursement for costs related to trenching and construction
PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-47-15-00014-P	..... exempt	The calculation of NYSEG and RG&E's Percent of Estimate customer service quality metric for February 2015.	To consider a petition by NYSEG and RG&E to normalize the February 2015 level of meter reading estimates.
PSC-47-15-00015-P	..... exempt	Petition to transfer and merge telephone and cable systems, franchises and assets and issue debt.	Consider the the proposed acquisition of Cablevision, its systems, franchises and assets, by Altice and the issuance of debt.
PSC-48-15-00010-P	..... exempt	Lightened and incidental regulation of a 55 MW electric and steam generating facility.	Consider the lightened and incidental regulation of a 55 MW electric and steam generating facility.
PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
PSC-49-15-00009-P	..... exempt	Petition for rehearing of the Order Establishing Interim Ceilings on the Interconnection of Net Metered Generation	To consider a Petition for rehearing of the Order Establishing Interim Ceilings on the Interconnection of Net Metered Generation
PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
PSC-50-15-00007-P	..... exempt	Collaborative Report on proposed consumer protections for the low income customers of energy services companies.	To consider the Collaborative Report on proposed consumer protections for the low income customers of energy services companies.
PSC-50-15-00008-P	..... exempt	The transfer of 1,064 utility poles.	To consider the transfer of 1,064 utility poles from Orange and Rockland Utilities, Inc. to Frontier Communications Corp.
PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
PSC-51-15-00011-P	..... exempt	National Grid's electric Economic Development Programs	To consider modifications to the economic development assistance to qualified businesses
PSC-51-15-00013-P	..... exempt	Waiver of the rule requiring new electric lines to be constructed underground in residential subdivisions	To consider a waiver of the rule requiring new electric lines to be constructed underground in residential subdivisions
PSC-52-15-00014-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of EO 180 Water LLC to submeter electricity at 180 Water Street, New York, New York.
PSC-52-15-00015-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Astral for its apparent non-compliance with Commission requirements.
PSC-52-15-00016-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of G-Z/10 UNP Realty, LLC to submeter electricity at 823 First Avenue, New York, New York.
PSC-01-16-00002-P	..... exempt	Revenue assurance calculations	To consider whether the revenue assurance National Grid is requiring of Tiashoke for the upgraded service is appropriate
PSC-01-16-00003-P	..... exempt	Deferral of expenses	To consider a petition for the deferral of expenses

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-01-16-00004-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of 10 Madison Square West to submeter electricity at 10 Madison Square West, New York, NY
PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
PSC-02-16-00007-P	..... exempt	The application of the earnings sharing mechanism related to a partial year period.	To consider Orange and Rockland Utilities, Inc.'s petition to address the application of the earnings sharing mechanism.
PSC-02-16-00008-P	..... exempt	Establishment of the regulatory regime and financing applicable to certain electric transmission facilities.	Consideration of a lightened regulatory regime and financing for certain electric transmission facilities.
PSC-02-16-00009-P	..... exempt	Proposed revisions to SC Nos. 1 and 2 to include net metering services for solar and wind generation.	To consider revisions to SC Nos. 1 and 2 to include net metering services for solar and wind generation.
PSC-02-16-00012-P	..... exempt	NYSEG's procedures, terms and conditions of its Targeted Financial Assistance Program.	Provide additional economic development program assistance for a new manufacturing facility.
PSC-03-16-00006-P	..... exempt	A proposal to use certain deferred credits to offset costs associated with incremental capital expenditures	To consider the use of certain deferred credits to offset costs associated with capital expenditures and other related relief
PSC-03-16-00007-P	..... exempt	Petition to submeter electricity	To consider the Petition of Longhouse Cooperative to submeter electricity at 772 Elm Street Extension, Ithaca, New York
PSC-03-16-00008-P	..... exempt	Petition to submeter electricity	To consider the request of 910 Fifth Avenue Corporation to submeter electricity at 910 Fifth Avenue, New York, New York
PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
PSC-04-16-00008-P	..... exempt	Clean Energy Standard	To consider funding for renewable and other non-emitting electric generation facilities
PSC-04-16-00009-P	..... exempt	Central Hudson's remote net metering qualification requirements and application process for farms.	Consider Central Hudson's remote net metering qualification requirements and application process for farms.
PSC-04-16-00010-P	..... exempt	Proposed revisions to add and clarify provisions related to electric generators under SC No. 14.	To consider revisions to SC No. 14 and align the electric generator provisions with its downstate companies, KEDLI and KEDNY.
PSC-04-16-00011-P	..... exempt	Investigation that certain practices of Central Hudson Gas and Electric Corporation resulted in violations of HEFPA.	To consider the Petition of Nobody Leaves Mid-Hudson to investigate Central Hudson for claims of HEFPA violations.
PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-04-16-00014-P	..... exempt	Extension of the monetary crediting period to thirty years for four specified photovoltaic projects.	To consider extending the monetary crediting period to thirty years for four specified photovoltaic projects.
PSC-04-16-00015-P	..... exempt	Minor electric rate filing.	To consider the Village of Fairport's proposed increase in annual electric revenues by approximately \$464,440 or 2.49%.
PSC-05-16-00004-P	..... exempt	Sale of certain transmission project assets from Con Edison and O&R to NY Transco	To consider the sale of assets from Con Edison and O&R to NY Transco
PSC-05-16-00005-P	..... exempt	Sale of certain assets relating to the Fraser to Coopers Corner transmission project from NYSEG to the NY Transco	To consider the sale of assets from NYSEG to the NY Transco
PSC-06-16-00007-P	..... exempt	Transfer of water supply assets.	To consider the sale of water supply assets of Northeast Water Services to Suez Water Owego-Nichols, Inc.
PSC-06-16-00008-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 31 Lincoln Road Development LLC to submeter electricity at 31-33 Lincoln Road, Brooklyn, NY.
PSC-06-16-00009-P	..... exempt	Minor water rate filing.	To consider an increase in Rainbow Water Company, Inc.'s annual water revenues by approximately \$16,248 or 20.7%.
PSC-06-16-00010-P	..... exempt	Lakewood disputes National Grid's revenue assurance calculations, specifically the duration used.	To consider whether the revenue assurance National Grid is requiring of Lakewood for the new interconnection is appropriate.
PSC-06-16-00011-P	..... exempt	Continuation of lightened regulation for electric generating plant.	To consider the continuation of lightened regulation for electric generating plant.
PSC-06-16-00012-P	..... exempt	Inclusion of a Farm and Food Community program in the community distributed generation program.	To consider the inclusion of a Farm and Food Community program in the community distributed generation program.
PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
PSC-06-16-00015-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 31 Lincoln Road Development LLC to submeter electricity at 510 Flatbush Ave., Brooklyn, NY.
PSC-07-16-00015-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of 20 Lafayette LLC to submeter electricity at 286 Ashland Place, Brooklyn, New York
PSC-07-16-00016-P	..... exempt	Use of the Electro Industries Shark 200 electric submeter in residential applications	To consider the use of the Electro Industries Shark 200 submeter
PSC-07-16-00017-P exempt	To modify the retail access program under SC No. 8 - Seller Services	To consider changes to the retail access program to implement Tier 2A - Storage Capacity Release and other tariff revisions

Action Pending Index

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-07-16-00018-P	..... exempt	The use of the Open Way Centron 3.5 commercial meter, with 4G LTE cellular or modem communications for electric metering	To consider the use of the Itron Open Way Centron 3.5 meter
PSC-07-16-00019-P	..... exempt	Conversion of P.S.C. No. 1 to an electronic format and add a provision to its Service Classification No.1	To consider conversion of P.S.C. No. 1 to an electronic format and add a provision to its Service Classification No.1
PSC-07-16-00020-P	..... exempt	To modify the retail access program under SC No. 19 - Seller Transportation Aggregation Service	To consider changes to the retail access program to implement Tier 2A – Storage Capacity Release and other tariff revisions
PSC-07-16-00021-P	..... exempt	NYSEG's request to collect funding for natural gas Energy Efficiency Portfolio Standard programs	To consider NYSEG's request to collect funding for natural gas Energy Efficiency Portfolio Standard programs
PSC-08-16-00006-P	..... exempt	Examination of terms and conditions of utility service received by Fastrac Markets, LLC.	To consider the terms and conditions of utility service received by Fastrac Markets, LLC.
PSC-08-16-00007-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of BOP MW Residential Market LLC and BOP MW Residential Affordable LLC to submeter electricity.
PSC-09-16-00003-P	..... exempt	Long-term loan agreement	To consider Fishers Island's petition to enter into a long-term loan agreement
PSC-09-16-00004-P	..... exempt	Stock Acquisition	To consider the acquisition of the stock of Bristol Water-Works Corporation by Bristol Harbour Resort Management LLC
PSC-10-16-00007-P	..... exempt	To propose revisions to the Dynamic Load Management Programs.	To consider revisions to the Dynamic Load Management Programs.
PSC-10-16-00008-P	..... exempt	To propose revisions to the Dynamic Load Management Programs.	To consider revisions to the Dynamic Load Management Programs.
PSC-10-16-00009-P	..... exempt	To propose revisions to the Dynamic Load Management Programs.	To consider revisions to the Dynamic Load Management Programs.
PSC-10-16-00010-P	..... exempt	Stock Acquisition	To consider the acquisition of the stock of Whistle Tree Development Corporation by Scribners Catskill Lodge, LLC.
PSC-10-16-00011-P	..... exempt	Petition to issue and sell unsecured debt obligations.	To consider Con Edison's request to issue and sell unsecured debt obligations.
PSC-10-16-00012-P	..... exempt	To revise the method of calculating capacity charges for customers billed under Rider M - Day-Ahead Hourly Pricing (Rider M).	To consider tariff changes that revise the method of calculating capacity charges for customers billed under Rider M.
PSC-10-16-00013-P	..... exempt	To propose revisions to the Dynamic Load Management Programs.	To consider revisions to the Dynamic Load Management Programs.
PSC-10-16-00014-P	..... exempt	To propose revisions to the Dynamic Load Management Programs.	To consider revisions to the Dynamic Load Management Programs.
PSC-10-16-00016-EP	..... exempt	Safety of water supply	To ensure safe water supply through compliance with county Department of Health recommendations

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-11-16-00007-P	..... exempt	Petition to eliminate quarterly reporting on electronic deferred payment agreements	To consider the request of National Fuel Gas to eliminate quarterly reporting on electronic deferred payment agreements
PSC-11-16-00008-P	..... exempt	Proposed zero-emissions credits purchase program regarding certain nuclear power plants	To avoid adverse air emissions from fossil-fueled generation that would replace nuclear generation
PSC-11-16-00010-P	..... exempt	To establish a process to facilitate the transfer of complete systems of street lighting equipment	To consider the establishment of a process to facilitate the transfer of complete systems of street lighting equipment
PSC-11-16-00011-P	..... exempt	To establish a process to facilitate the transfer of complete systems of street lighting equipment	To consider the establishment of a process to facilitate the transfer of complete systems of street lighting equipment
PSC-11-16-00012-P	..... exempt	To establish a process to facilitate the transfer of complete systems of street lighting equipment	To consider the establishment of a process to facilitate the transfer of complete systems of street lighting equipment
PSC-11-16-00013-P	..... exempt	Leakage survey and corrosion inspection requirements	To establish protocols and timeframes for completing leakage surveys and corrosion inspections on gas service lines
PSC-11-16-00014-P	..... exempt	To establish a process to facilitate the transfer of complete systems of street lighting equipment	To consider the establishment of a process to facilitate the transfer of complete systems of street lighting equipment
PSC-11-16-00015-P	..... exempt	To establish a process to facilitate the transfer of complete systems of street lighting equipment	To consider the establishment of a process to facilitate the transfer of complete systems of street lighting equipment
PSC-11-16-00016-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of 504 Myrtle Residential Owner LLC to submeter electricity at 504 Myrtle Avenue, Brooklyn, NY
PSC-11-16-00017-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of 140 West Street Condominium to submeter electricity at 100 Barclay Street, New York, NY
PSC-11-16-00018-P	..... exempt	Rolling Meadows Water Corporation's rates for the provision of water	To consider an increase in Rolling Meadows Water Corporation's annual water revenues by approximately \$169,841 or 34.05%
PSC-11-16-00019-P	..... exempt	Lease of real property	To consider whether to grant authority to NYSEG to lease a portion of certain real property to Columbia Memorial Hospital
PSC-12-16-00003-P	..... exempt	The use of the GE Energy low voltage transformers	To consider the use of the GE Energy low voltage transformers
PSC-12-16-00004-P	..... exempt	The option to opt out of using an AMR device, and substitute an electro-mechanical meter, at no additional charge	To consider the option to opt out of using an AMR device, and substitute an electro-mechanical meter, at no additional charge
PSC-12-16-00005-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of 3475 Third Avenue Owner Realty LLC to submeter electricity at 3475 Third Avenue, Bronx, NY
PSC-12-16-00006-P	..... exempt	Use of Artech transformers in commercial applications	To consider the use of Artech transformers

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-12-16-00007-P	..... exempt	Deferral of incremental costs incurred in 2015 associated with increased gas leak response and repair activities	To consider a petition by Con Edison to defer certain incremental costs associated with gas leak response and repair activities
PSC-12-16-00008-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of Promenade Global LLC to submeter electricity at 150 West 225th Street, Bronx, New York.
PSC-13-16-00007-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent to submeter electricity at 131-05, 131-03 and 131-01 40th Road, Flushing, New York
PSC-13-16-00008-P	..... exempt	Standby rate exemption for Offset Tariff customers	Consideration of the standby rate exemption for Offset Tariff customers
PSC-13-16-00009-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of Franklin Place Condominium to submeter electricity at 5 Franklin Place, New York, New York
PSC-13-16-00010-P	..... exempt	Transfer of a 1985 Bell 206L-3 helicopter	To consider the transfer of a 1985 Bell 206L-3 helicopter from NMPC to Fly Hangar 13, LLC
PSC-13-16-00011-P	..... exempt	Transfer of stock	To consider the sale of all outstanding Crystal Water Corp. stock to Bruce McNab
PSC-14-16-00006-P	..... exempt	Revisions to S.C. No. 4 Back-Up/ Supplementary Service related to contract demand.	To consider revisions to S.C. No. 4 Back-Up/ Supplementary Service related to contract demand.
PSC-14-16-00007-P	..... exempt	Regulation of customer name changes on pending interconnection applications for grandfathered projects.	To consider regulation of customer name changes on pending interconnection applications for grandfathered projects.
PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
PSC-15-16-00010-P	..... exempt	Proposed financial incentives for projects undertaken through the Targeted Demand Management program	To consider financial incentives for projects undertaken through the Targeted Demand Management program
PSC-15-16-00011-P	..... exempt	Transfer of certain cable television facilities and franchises from SCCC to Zito New York, LLC	To consider the transfer of certain cable television facilities and franchises from SCCC to Zito New York, LLC
PSC-15-16-00012-P	..... exempt	Adequate service of Verizon New York, Inc.	To consider the adequacy of Verizon New York Inc.'s service quality
PSC-15-16-00013-P	..... exempt	Waiver of certain Commission requirements related to the distribution of telephone directories	To consider a waiver of certain Commission requirements related to the distribution of telephone directories
PSC-15-16-00014-P	..... exempt	Establishment of SC No. 7 - Purchase of Renewable Energy from New Distributed Generators	To consider the establishment of SC No. 7 - Purchase of Renewable Energy from New Distributed Generators
PSC-15-16-00015-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of IGI-GGP Renwick LLC to submeter electricity at 15 Renwick Street, New York, New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY			
RGT-04-16-00002-P	01/26/17	Identifies prohibited conduct, consequences of prohibited conduct, and the available appeals process	To provide rules governing prohibited conduct to enhance the safety of the public using RGRTA's transportation services
STATE, DEPARTMENT OF			
DOS-22-15-00017-P	06/02/16	Facility requirements for businesses which offer appearance enhancement services	Increase ventilation standards for businesses which offer appearance enhancement services
DOS-28-15-00004-EP	08/30/16	Installation of carbon monoxide detecting devices in commercial buildings	To amend the State Uniform Fire Prevention and Building Code (Uniform Code) by adding standards requiring the installation of carbon monoxide detecting devices in every commercial building
DOS-10-16-00020-P	03/09/17	Unlawful discriminatory practice by brokers and salespersons	To discourage invidious discrimination in making housing accommodations available to the public
DOS-15-16-00017-EP	04/13/17	Educational standards and requirements for nail trainees	To expeditiously make available a course of study for nail trainees
STATE UNIVERSITY OF NEW YORK			
SUN-38-15-00002-P	09/22/16	Proposed amendments to traffic and parking regulations at State University of New York University at Buffalo	Amend existing regulations to update traffic and parking regulations
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-10-16-00002-P	exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period April 1, 2016 through June 30, 2016
TAF-13-16-00005-EP	03/30/17	Metropolitan Transportation Business Tax Surcharge	To provide metropolitan transportation business tax rate for tax year 2016
TAF-13-16-00006-P	03/30/17	Production of daily inventory records to the department, upon request, by those already required to maintain such records	To provide the department access to relevant existing data, in furtherance of the administration of the Tax Law
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-20-15-00001-P	05/19/16	Information appropriate for victims of sexual assault	To require social services districts to make all applicants for and recipients of public assistance aware of their option to receive information appropriate for victims of sexual assault consistent with Chapter 427 of the Laws of 2009
TDA-22-15-00005-P	06/02/16	Supplemental Nutrition Assistance Program	Update regulations for the Transitional Benefits Alternative program
TDA-27-15-00002-P	07/07/16	Child support federal incentive payments	To update State procedures to distribute federal child support incentives and allocate portions thereof to local districts
TDA-37-15-00005-P	09/15/16	Monthly Shelter Supplements	To update State regulations to reflect current State law

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-39-15-00016-P	09/29/16	Temporary Housing Placements	Adjust the rate approval process for temporary housing placements and expand the scope of inspections for such placements
TDA-45-15-00011-P	11/09/16	Burden of proof at fair hearings challenging Interim Assistance Reimbursement (IAR) amounts	Clarify existing State regulations relative to fair hearings and render them consistent with New York State court precedents
TDA-45-15-00012-P	11/09/16	Public Assistance (PA) resources exemption for four-year accredited post-secondary educational institutions	To update State regulation governing PA resources exemption, rendering it consistent with Chapter 58 of the Laws of 2014
TDA-46-15-00005-P	11/17/16	Storage of furniture and personal belongings	Provide clarification regarding allowances for the storage of furniture and personal belongings
TDA-47-15-00004-P	11/24/16	Child Support Program	Amend regulatory requirements concerning the distribution and disbursement of child support collections
TDA-03-16-00001-P	01/19/17	Referrals of human trafficking victims from established providers of social or legal services	Conform State regulations to referral requirements of Chapter 368 of the Laws of 2015
TDA-06-16-00016-EP	02/09/17	Emergency shelters	Emergency measures concerning shelters
TRANSPORTATION, DEPARTMENT OF			
TRN-47-15-00002-P	11/24/16	Various regulations addressing accident reporting, record retention, insurance, vehicle inspection and equipment identification	Updates to regulations addressing accident reporting, record retention, insurance, vehicle inspection, equipment identification
TRN-48-15-00005-P	12/01/16	Updates to various household goods provisions	Updates various household goods provisions
TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY			
TBA-08-16-00005-P	02/23/17	Proposal to strengthen toll violation enforcement on TBTA bridges and tunnels	To deter toll evasion
WORKERS' COMPENSATION BOARD			
WCB-45-15-00019-P	11/09/16	Stipulations	To streamline the process for parties to enter into stipulations in workers' compensation proceedings
WCB-45-15-00020-P	11/09/16	Requests for Administrative Review	To clarify the process for requesting administrative review and full Board review including requests for reconsideration
WCB-45-15-00021-P	11/09/16	Convene Board hearings by electronic means	Permit the Chair to convene Board hearings by electronic means
WCB-45-15-00023-P	11/09/16	Permitted expenses for funerals	To increase the permitted amount for reimbursement of funeral and memorial services for work related deaths
WCB-45-15-00025-P	11/09/16	Medical Treatment Guideline variances	Permit the Chair to require submission of variance requests via an electronic medical portal

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
WORKERS' COMPENSATION BOARD			
WCB-45-15-00026-P	11/09/16	Medical Authorizations	Permit the Chair to require submission of medical authorization requests via an electronic medical portal
WCB-45-15-00027-P	11/09/16	Medical Treatment Guideline optional prior approval	Change the time to respond from business days to calendar days

SECURITIES OFFERINGS

STATE NOTICES

Published pursuant to provisions of General Business Law
[Art. 23-A, § 359-e(2)]

DEALERS; BROKERS

14 Arch/Buy The Barrel, LLC
800 Arbor Dr. N, Louisville, KY 40223

14 Into Mischief/Risen Miss, LLC
800 Arbor Dr. N, Louisville, KY 40223

Access Bio, Inc.
65 Clyde Rd., Somerset, NJ 08873
State or country in which incorporated — New Jersey

Baird Capital Global Fund I LP
777 E. Wisconsin Ave., Milwaukee, WI 53202
Partnership — Baird Capital Global Fund Management I LP

BCGF I Affiliates Fund LP
777 E. Wisconsin Ave., Milwaukee, WI 53202
Partnership — Baird Capital Global Fund Management I LP

BCGF I Special Affiliates LP
777 E. Wisconsin Ave., Milwaukee, WI 53202
Partnership — Baird Capital Global Fund Management I LP

Cantor Real Estate Income & Opportunity Fund II, LLC
147 2nd Ave. S, Suite 200, St. Petersburg, FL 33701
State or country in which incorporated — Florida

Falfurrias Capital Partners III, LP
100 N. Tryon St., Suite 4100, Charlotte, NC 28202
Partnership — Falfurrias Equity Partners III LLC

Japan Tobacco Inc.
2-1, Toranomom 2-chome, Minato-ku, Tokyo, 105-8422, Japan
State or country in which incorporated — Japan

MAVE New York Inc.
240 E. Houston St., #2B, New York, NY 10002
State or country in which incorporated — New York

Merit Mezzanine Fund VI, L.P.
303 W. Madison St., Suite 2100, Chicago, IL 60606
Partnership — Merit Capital Partners VI, L.P.

Mithril II LP
One Letterman Dr., Bldg. A, Suite 4900, San Francisco, CA 94129
Partnership — Mithril II GP LP

Mobetize Corp.
8105 Birch Bay Square St., Suite 205, Blaine, WA 98230
State or country in which incorporated — Nevada

Montserrat Healthcare Fund, LP
c/o Montserrat Healthcare GP LLC, 535 Fifth Ave., 25th Fl., New York, NY 10017
Partnership — Montserrat Healthcare GP LLC

Montserrat Healthcare Fund Offshore, Ltd.
c/o Montserrat Global Advisers, LP, 535 Fifth Ave., 25th Fl., New York, NY 10017
State or country in which incorporated — Cayman Islands

Mortgage Collaborative Cooperative
11622 El Camino Real, Suite 100, San Diego, CA 92130
State or country in which incorporated — California

Orchard Securities, LLC
11650 S. State St., Draper, UT 84020

Pactolus Hamilton Lakes LLC
6862 Elm St., Suite 620, McLean, VA 22101
State or country in which incorporated — Delaware

TBSH II Feeder, LLC
228 Park Ave., Suite A, Winter Park, FL 32789
State or country in which incorporated — Florida

TM Villas of South Cobb, LLC
260 Madison Ave., 8th Fl., New York, NY 10016

Tress Capital, LLC
Three Columbus Circle, 15th Fl., New York, NY 10019

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REPLACE ROOF

New York State Police
Carthage, Jefferson County

Sealed bids for Project No. Q1681-C, for Construction Work, Replace Roof, New York State Police, 1 Park Drive, Carthage (Jefferson County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Contract Administration, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the New York State Police, until 2:00 p.m. on Wednesday, April 20, 2016, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$25,000 for C.

All successful bidders on a multiple trade project or the successful bidder with a bid over \$200,000 on a single trade project, will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$250,000 and \$500,000 for C. The requirement for Labor and Material and Performance Bonds may be waived on a bid under \$200,000 on a single trade project.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Bureau of Contract Awards, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director of Design and Construction, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4 year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly.

Bidders are warned that time is of the essence of the Contract and completion of the Work must be within 135 days after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 9:00 a.m. on April 8, 2016 at NYS Police, 1 Park Drive, Carthage, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

For assistance pertaining to the site visit only, please phone Megan Miller (315) 785-6447.

It is the policy of the State and the Office of General Services to encourage meaningful minority business enterprise participation in this project by contractors, subcontractors and suppliers who perform commercially useful functions under the Contract, and all bidders are expected to cooperate in implementing this policy.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to D&C.Plans@ogs.ny.gov, or call toll free at 1-877-647-7526.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

By *John D. Lewyckyj*, Deputy Director
OGS - Design & Construction Group

MODIFICATIONS OF RAILROAD CLOSURE BINGHAMTON FLOOD CONTROL SYSTEM Chamberlain Creek, Broome County

Sealed bids for Project No. Q1693-C, for Construction Work, Modifications of Railroad Closure Binghamton Flood Control System, Chamberlain Creek, (Broome County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Contract Administration, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Environmental Conservation-Water Resources, until 2:00 p.m. on Wednesday, April 20, 2016 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$16,200 for C.

The value of the Contract is estimated to be between \$100,000 and \$250,000.

Pursuant to State Finance Law § 139-j and § 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by OGS D&C and Office of the State Comptroller ("restricted period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris and Carl Ruppert in the Bureau of Contract Awards, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director of Design & Construction, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4 year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the new Legislative and State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://ogs.ny.gov/aboutogs/regulations/defaultAdvisoryCouncil.asp>.

The substantial completion date for this project is 160 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 9:00 a.m. on April 8, 2016 at Kirkwood DEC, 1679 US Route 11, Kirkwood, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

For assistance pertaining to the site visit only, please phone Luanne Vaughn (607) 721-8716.

It is the policy of the State and the Office of General Services to encourage meaningful minority business enterprise participation in this project by contractors, subcontractors and suppliers who perform commercially useful functions under the Contract, and all bidders are expected to cooperate in implementing this policy.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to D&C.Plans@ogs.ny.gov, or call toll free at 1-877-647-7526.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

By *John D. Lewyckyj, Deputy Director*
OGS - Design & Construction Group

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311
or visit our web site at:
www.osc.state.ny.us

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

PUBLIC NOTICE Department of Civil Service

PURSUANT to the Open Meetings Law, the New York State Civil Service Commission hereby gives public notice of the following:

Please take notice that the regular monthly meeting of the State Civil Service Commission for April 2016 will be conducted on April 12 and April 13 commencing at 10:00 a.m. This meeting will be conducted at NYS Media Services Center, Suite 146, South Concourse, Empire State Plaza, Albany, NY.

For further information, contact: Office of Commission Operations, Department of Civil Service, Empire State Plaza, Agency Bldg. One, Albany, NY 12239, (518) 473-6598

PUBLIC NOTICE Department of Health

The New York State Department of Health (DOH) is required by the provisions of the federal Beaches Environmental Assessment and Coastal Health (BEACH) Act to provide for public review and comment on the Department's beach monitoring and notification plan. The BEACH Act (Section 406(b) of the Clean Water Act) enacted a federal Environmental Protection Agency grant program available to states, such as New York, with coastal recreational waters. Coastal recreational waters include the Great Lakes and marine coastal waters that are designated for swimming, bathing, surfing, or similar water contact activities. The Act is not applicable to inland waters or waters upstream of the mouth of a river or stream having an unimpaired natural connection with the open sea.

The beach monitoring and public notification plan also includes information on the beach evaluation and classification process, including a list of waters to be monitored and beach ranking. Also included in this plan, is the sampling design and monitoring plan, including sampling location and sampling frequency. Lastly, the plan contains information on procedures for public notification and risk communication, including methods to notify the public of a swimming advisory or beach closure.

Any interested parties and/or agencies desiring to review and/or comment on the beach monitoring and notification plan for coastal recreational waters may do so by writing to: Timothy M. Shay, Section Chief, Department of Health, Center for Environmental Health, Bureau of Community Environmental Health and Food Protection, Empire State Plaza, Corning Tower Bldg., Rm. 1395, Albany, NY 12237, Fax (518) 402-7609

PUBLIC NOTICE New York City Deferred Compensation Plan

The New York City Deferred Compensation Plan (the "Plan") is seeking qualified vendors to provide active US small-cap equity core investment management services for the Small-Cap Equity Fund ("the Fund") investment option of the Plan. The objective of the Fund is to provide long-term growth of capital by investing primarily in the stocks of smaller rapidly growing companies. To be considered, vendors must submit their product information to Mercer Investment Consulting. Vendors should input or update their product information, as applicable, on Mercer's Global Investment Management Database (GIMD). The address for the website is: www.mercergimd.com. Vendors not already registered, please call (312) 917-0797 or email gimdadmin@mercer.com for a user I.D. and password to access the database. There is no fee for entering product information on the database. Please complete the submission of product information in the Mercer database no later than 4:30 P.M. Eastern Time on April 25, 2016.

PUBLIC NOTICE New York City Deferred Compensation Plan

The New York City Deferred Compensation Plan (the "Plan") is seeking qualified vendors to provide active US small-cap equity growth investment management services for the Small-Cap Equity Fund ("the Fund") investment option of the Plan. The objective of the Fund is to provide long-term growth of capital by investing primarily in the stocks of smaller rapidly growing companies. To be considered, vendors must submit their product information to Mercer Investment Consulting. Vendors should input or update their product information, as applicable, on Mercer's Global Investment Management Database (GIMD). The address for the website is: www.mercergimd.com. Vendors not already registered, please call (312) 917-0797 or email gimdadmin@mercer.com for a user I.D. and password to access the database. There is no fee for entering product information on the database. Please complete the submission of product information in the Mercer database no later than 4:30 P.M. Eastern Time on April 25, 2016.

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Consulting. Vendors should input or update their product information, as applicable, on Mercer's Global Investment Management Database (GIMD). The address for the website is: www.mercergimd.com. Vendors not already registered, please call (312) 917-0797 or email gimadmin@mercergimd.com for a user I.D. and password to access the database. There is no fee for entering product information on the database. Please complete the submission of product information in the Mercer database no later than 4:30 P.M. Eastern Time on April 25, 2016.

PUBLIC NOTICE

Uniform Code Regional Boards of Review

Pursuant to 19 NYCRR 1205, the petitions below have been received by the Department of State for action by the Uniform Code Regional Boards of Review. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Gerard Hathaway, Building Standards And Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2015-0644 In the matter of Leticia Ajodah, 1035 Dean Street, City of Schenectady, County of Schenectady, NY for a variance concerning fire safety provisions of the Multiple Residence Law.

Involved is an existing residential building, located at 1035 Dean Street, City of Schenectady, County of Schenectady, NY.

2015-0648 In the matter of Richard Rosen, 315 Exchange Boulevard, City of Rochester, County of Monroe, NY for an appeal and variance concerning the need for a kitchen exhaust hood in an existing commercial building.

Involved is an existing building, located at 315 Exchange Boulevard, City of Rochester, County of Monroe, NY.

2016-0022 In the matter of Roger Smith, 350 Higbe Lane, Town of Islip, County of Suffolk, NY for a variance concerning the building area and separation of occupancies in a building undergoing rehabilitation.

Involved is an existing mixed use building, located at 350 Higbe Lane, Town of Islip, County of Suffolk, NY.

2016-0025 In the matter of Sadik Halit Legacy Trust, 2200 Sound Drive, Town of Southold, County of Suffolk, NY for a variance concerning the requirement for a pool barrier.

Involved is an existing residential building, located at 2200 Sound Drive, Town of Southold, County of Suffolk, NY.

2016-0054 In the matter of David M. Dubin, 14 Gracie Lane, Village of East Hampton, County of Suffolk, NY for an appeal and variance concerning the requirement for a pool barrier.

Involved is an existing residential building, located at 14 Gracie Lane, Village of East Hampton, County of Suffolk, NY.

2016-0065 In the matter of Fredrick Mitchell, 900 Turk Hill Road, Town of Perinton, County of Monroe, NY for a variance concerning the requirement for seismic load consideration on a building undergoing rehabilitation.

Involved is an existing commercial building, located at 900 Turk Hill Road, Town of Perinton, County of Monroe, NY.

2016-0087 In the matter of Phil and Sharon Kennelty-Cohen, 613 West Olive Street, City of Long Beach, County of Nassau, NY for a variance concerning the requirement for automatic sprinkler system in a one-family dwelling being raised and rehabilitated due to flood requirements.

Involved is an existing residential building, located at 613 West Olive Street, City of Long Beach, County of Nassau, NY.

2016-0098 In the matter of Rivers Casino at Mohawk Harbor, 301 Nott Street, City of Schenectady, County of Schenectady, NY for a variance concerning the fire resistance rating of structural members in a new mixed use building.

Involved is a new mixed use building, located at 301 Nott Street, City of Schenectady, County of Schenectady, NY.

EXECUTIVE ORDERS

Executive Order No. 155: Prohibiting State Funded or State Sponsored Travel to North Carolina.

WHEREAS, New York State is a national leader in protecting the civil rights and liberties of all of its citizens;

WHEREAS, New York State in 1945 enacted the first state law against discrimination in the nation, which now prohibits discrimination on many bases including age, race, creed, color, national origin, sexual orientation, military status, sex, gender identity, marital status, and disability;

WHEREAS, ensuring that persons are free from discrimination based on sexual orientation and gender identity is a compelling state sanctioned government interest;

WHEREAS, protecting New York State from inadvertently financing discrimination against protected classes, including sexual orientation and gender identity, is a compelling state sanctioned government interest;

WHEREAS, the state of North Carolina has enacted legislation to bar transgender persons from using bathrooms and changing facilities corresponding to such persons' gender identities, has excluded sexual orientation and gender identity from that state's anti-discrimination protections, and has prohibited units of local government from extending such protections to lesbian, gay, bi-sexual, and transgender (LGBT) citizens;

WHEREAS, in a free society the equal rights of all citizens, including LGBT citizens, must be protected and cherished;

WHEREAS, in a free society the will of the many cannot be the basis for discrimination against the few;

WHEREAS, it is the policy of the state of New York to promote fairness, protect the welfare of the citizens of the state of New York, and combat discrimination;

NOW THEREFORE, I ANDREW M. CUOMO, Governor of the State of New York, by virtue of the power and authority vested in me by my office, the New York State Constitution, and the Statutes of the state of New York, do hereby ORDER AND DIRECT:

- All agencies, departments, boards, authorities and commissions to review all requests for state funded or state sponsored travel to the state of North Carolina so long as there is law in effect there that creates the grounds for discrimination against LGBT citizens; and
- To bar any such publicly funded or publicly sponsored travel to such location, unless such travel is necessary for the enforcement of New York State law, to meet prior contractual obligations, or for the protection of public health, welfare, and safety.

New York State's ban on publicly funded travel shall take effect immediately and shall continue until such law is repealed.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty eighth day of March in the year two thousand sixteen.

BY THE GOVERNOR

/S/ Andrew M. Cuomo

/s/ William J. Mulrow

Secretary to the Governor

